

APPENDIX

Sent to Governor

(May 10, 1979)

S.B. 425

S.B. 1254

Sent to Governor

(May 11, 1979)

S.C.R. 71

S.B. 116

Signed by Governor

(May 11, 1979)

H.C.R. 96

SEVENTIETH DAY

(Monday, May 14, 1979)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Andujar, Blake, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Harris, Howard, Jones of Harris, Jones of Taylor, Kothmann, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Price, Santiesteban, Schwartz, Short, Snelson, Traeger, Truan, Vale, Williams.

A quorum was announced present.

The Reverend Zane Bartel, Northwest Baptist Church, Austin, offered the invocation as follows:

Oh, Lord, my prayer to You this day would be a prayer of praise. I praise Your name and Your mightiness in this day. Grant us peace on earth, understanding of all men, and forgiveness in our mistakes.

In Christ's name I pray. Amen.

On motion of Senator Moore and by unanimous consent, the reading of the Journal of the proceedings of Friday, May 11, 1979, was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE

House Chamber

May 14, 1979

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I AM DIRECTED BY THE HOUSE TO INFORM THE SENATE THAT THE HOUSE HAS PASSED THE FOLLOWING:

H.C.R. 194 commending the Honorable George (Mickey) Leland

H.C.R. 196 Honoring Mrs. Janey Briscoe

H.C.R. 197 commending the Honorable Jim Nugent

H.C.R. 199 in memory of Gordon C. Horton

H.B. 1626, A bill to be entitled An Act relating to creation or reorganization of certain judicial districts and prosecuting attorneys for certain districts; relating to the jurisdiction of and making other provisions for certain county and district courts.

S.B. 257 Relating to the definition of common reservoir of an oil, gas, or oil and gas field. (With amendment)

S.B. 350 Relating to public school finance. (With amendments)

S.B. 357 Relating to the regulation of certain business and insurance practices; amending certain provisions of Chapter 17, Business & Commerce Code, as amended (With amendments)

S.B. 472 Relating to exemptions of certain alcoholic beverage permittees from the requirement of posting surety for the payment of taxes. (With amendment)

S.B. 979 Relating to the financing of certain credit transactions; changing penalties. (With amendment)

H.B. 1956, A bill to be entitled An Act amending Sections 2, 3, 4, 7, and 10 of Article 5.43-1, Insurance Code, as amended, authorizing the State Board of Insurance to adopt recognized standards as rules and regulations, providing for an increase in fees for certificates of registration and service licenses, requiring fees for branch offices and duplicate certificates of registration, service licenses and apprentice permits, prohibiting the installation of fixed fire extinguisher systems without a current license; and declaring an emergency.

All necessary rules suspended, and the House concurred in Senate amendments to House Bill No. 370 by a vote of 116 Ayes, 0 Noes, 1 Present-Not Voting.

S.B. 252 Relating to jurisdiction over industrial solid waste; amending Subsection (c), Section 3, Solid Waste Disposal Act, as amended (Article 4477-7, Vernon's Texas Civil Statutes).

The House refused to concur in Senate amendments to House Bill No. 1012 and has requested the appointment of a Conference Committee to consider the differences between the two Houses.

House Conferees: Davis, Chairman; Jackson, Weiting, Grant, Wright.

All necessary rules suspended, and the conference committee report on Sen. Bill No. 43 adopted by a vote of 109 Ayes, 13 Noes, 1 Present-Not Voting.

HJR 108, A joint resolution proposing a constitutional amendment relating to the appointment and terms of notaries public.

HB 594, A bill to be entitled An Act relating to legislative review and disapproval of rules and proposed rules of state agencies.

HB 681, A bill to be entitled An Act relating to the right of an individual to communicate in any language.

HB 758, A bill to be entitled An Act relating to the exemption of tourist trade centers from the law against selling certain items on both Saturday and Sunday.

HB 867, A bill to be entitled An Act relating to the establishment of the Franklin Mountains State Park.

HB 1061, A bill to be entitled An Act relating to the expiration, staff, functions, and revenue of the Good Neighbor Commission of Texas.

HB 1100, A bill to be entitled An Act relating to transfer of the Texas College of Osteopathic Medicine to The University of Texas System.

HB 1168, A bill to be entitled An Act relating to the number of hours a policeman may work during a month.

HB 1382, A bill to be entitled An Act relating to the process of rule making by state agencies.

HB 1506, A bill to be entitled An Act relating to review of public retirement systems.

HB 1547, A bill to be entitled An Act relating to the sale of beer to persons without regard to whether or not the purchaser holds a license or permit under the Alcoholic Beverage Code.

HB 1699, A bill to be entitled An Act relating to establishing and implementing energy conservation standards for buildings.

HB 1812, A bill to be entitled An Act relating to the state's right of recovery from third parties for the costs of medical assistance and providing penalties.

HB 2091, A bill to be entitled An Act relating to search warrants to search for and seize property or items located in a news media office.

HB 2206, A bill to be entitled An Act relating to powers, duties, and administration of public retirement systems.

LOCAL AND CONSENT CALENDAR

HB 383, A bill to be entitled An Act relating to the taking of blue crabs; providing a penalty.

HB 461, A bill to be entitled An Act relating to the authority to create municipal courts of record in the city of Fort Worth and prescribing the appeals from the municipal courts of record.

HB 760, A bill to be entitled An Act relating to the use of shad trawls for the taking of certain fish.

HB 836, A bill to be entitled An Act relating to concurrent enrollment at two or more institutions of higher education.

HB 864, A bill to be entitled An Act relating to a state historical collection at Texas Woman's University.

HB 1042, A bill to be entitled An Act relating to the authority to create municipal courts of record in the city of Longview and prescribing appeals from the municipal courts of record.

HB 1137, A bill to be entitled An Act relating to creation of the County Court at Law No. 2 of Collin County.

HB 1262, A bill to be entitled An Act relating to the creation, administration, powers, duties, functions, and financing of the Rayburn Municipal Utility District.

HB 1340, A bill to be entitled An Act relating to municipal zoning.

HB 1483, A bill to be entitled An Act amending Chapter 495, Acts of the 55th Legislature (Article 1182c-4, Vernon's Texas Civil Statutes), relating to the authorization of certain cities to issue voted but unissued bonds of certain conservation and reclamation districts annexed and abolished by cities; adding municipal utility districts as a certain water district embraced by this Act; and declaring an emergency.

HB 1484, A bill to be entitled An Act relating to investments by certain insurers in bonds or other interest-bearing evidences of debts of municipally owned revenue electric utility company.

HB 1503, A bill to be entitled An Act relating to the operation and regulation of the business of title insurance; amending Chapter 9, Insurance Code, as amended, as follows: amending Article 9.36, Insurance Code, as amended; amending Article 9.39, Insurance Code, as amended; amending Article 9.42, Insurance Code, as amended; amending Article 9.43, Insurance Code, as amended; and declaring an emergency.

HB 1774, A bill to be entitled An Act relating to the bond and the errors and omissions insurance for county clerks and their deputies and employees.

HB 1784, A bill to be entitled An Act relating to the extension of restrictive covenants applicable to certain residential real estate subdivisions.

HB 1829, A bill to be entitled An Act relating to the authority of licensed local recording agents to charge interest to certain purchasers of insurance.

HB 1831, A bill to be entitled An Act relating to representation of the Texas Department of Human Resources in certain judicial proceedings.

HB 1834, A bill to be entitled An Act adopting the Human Resources Code, a nonsubstantive revision of the statutes relating to state programs, assistance, and services for needy persons, children, and handicapped persons.

HB 1912, A bill to be entitled An Act relating to the regulation of retail installment transactions.

HB 1950, A bill to be entitled An Act relating to creation of the County Court at Law of Gregg County.

HB 1954, A bill to be entitled An Act relating to the establishment, jurisdiction, and operation of municipal courts of record in El Paso, Texas, and providing for municipal judges and other personnel of the courts; prescribing the appeals from a municipal court of record; and declaring an emergency.

HB 1957, A bill to be entitled An Act relating to reinsurance by life, accident, and health insurance companies.

HB 1989, A bill to be entitled An Act relating to the status as a state agency and the tort liability of a community mental health and mental retardation center.

HB 2030, A bill to be entitled An Act relating to formation of professional corporations by certain insurance agents.

HB 2040, A bill to be entitled An Act relating to acquisition of errors and omissions policies by certain insurance agents and providing that surviving widows and children may share in the profits of certain insurance agencies; amending Sections 3 and 3a, Article 21.14, Insurance Code, as amended.

HB 2046, A bill to be entitled An Act relating to the protection of nutria as a fur-bearing animal.

HB 2071, A bill to be entitled An Act relating to state purchase of goods and services manufactured by handicapped individuals who do not derive sufficient benefits from educational programs to be enabled to undertake employment in conventional competitive job settings; amending Article 664-3, Article 664-5, and Article 664-6, Vernon's Texas Civil Statutes, as amended; and declaring an emergency.

HB 2080, A bill to be entitled An Act relating to the regulation of the practice of pharmacy.

HB 2118, A bill to be entitled An Act relating to spiritual advisors for persons on death row; amending Article 43.17, Code of Criminal Procedure, 1965, as amended; and declaring an emergency.

HB 2133, A bill to be entitled An Act relating to the taxation, budgeting, expenditures, and assessment for taxation of a hospital district in certain counties.

HB 2142, A bill to be entitled An Act relating to student fees at The University of Texas at Austin.

HB 2158, A bill to be entitled An Act relating to the taking of sand, gravel, marl, shell, and mudshell for opening Brown Cedar Cut in Matagorda County.

HB 2165, A bill to be entitled An Act relating to the authority of the county court and justice courts to order the detention of a child for a willful violation of the compulsory school attendance law; and declaring an emergency.

HB 2174, A bill to be entitled An Act relating to the creation, establishment, administration, maintenance, operation, and financing of Hemphill County Hospital District.

HB 2176, A bill to be entitled An Act relating to creation of the County Court at Law of Medina County.

HB 2187, A bill to be entitled An Act relating to the jurisdiction of the County Court at Law of Hays County.

HB 2189, A bill to be entitled An Act relating to the use of nets and seines for fishing in Grimes County.

HB 2204, A bill to be entitled An Act relating to the creation, administration, powers, duties, operation, expansion, and financing of the Beeville Water Supply District.

HB 2211, A bill to be entitled An Act relating to the applicability of the Uniform Wildlife Regulatory Act in La Salle County.

HB 2212, A bill to be entitled An Act relating to the board of directors and validity of certain actions of the Ellis County Water Control and Improvement District No. 1.

HB 2213, A bill to be entitled An Act relating to maintenance of books, records, and accounts for the Brazos River Harbor Navigation District of Brazoria County.

HB 2214, A bill to be entitled An Act relating to the compensation and powers of the Gray County Juvenile Board.

HB 2223, A bill to be entitled An Act relating to the creation, administration, powers, duties, operations, financing, and annexation of property of the South Texas Water Authority.

HB 2226, A bill to be entitled An Act relating to creation of County Court at Law No. 2 of Cameron County.

HB 2241, A bill to be entitled An Act relating to hunting certain exotic animals in Kerr County; providing penalties.

HB 2252, A bill to be entitled An Act relating to the authority of the Terry Memorial Hospital District.

HB 1914, A bill to be entitled An Act relating to the establishment of a pilot program for the teaching of the free enterprise system in the public high schools.

HB 1647, A bill to be entitled An Act amending Chapter 341, Acts of the 57th Legislature, Regular Session, 1961, as amended (Article 1187f, Vernon's Texas Civil Statutes, as amended) by amending Section 9 thereof; relating to the ownership and operation of port and harbor facilities and the mortgage of certain facilities by cities or towns having a population of more than 5,000 inhabitants and being located on the coast of the Gulf of Mexico or any channel, canal, bay or inlet connected therewith; and declaring an emergency.

S.B. 9 Relating to the firemen's relief and retirement fund in certain cities.

S.B. 186 Relating to the compensation of the judge of the County Criminal Court of Appeals of Dallas County.

S.B. 261 Setting the limits permitted for group life insurance coverage for officials, employees, and retirees of county and political subdivisions of the state at the amounts authorized for coverage under group life insurance plans in general.

S.B. 295 Relating to allowing certain cities to establish a separate retirement system for police department employees.

S.B. 316 Relating to checking and proving microfilm records filed in a county clerk's office.

S.B. 432 Relating to a parent's entitlement to the workers' compensation death benefits of a deceased worker; Amending Section 8a, Article 8306, Revised Civil Statutes of Texas, as amended. (With amendment)

S.B. 436 Relating to requirements governing competitive bidding in certain political subdivisions.

S.B. 552 Relating to promotional examinations for firemen and policemen.

S.B. 575 To Amend Section 2(1), Chapter 9, Acts 65th Legislaturc, Regular Session, 1977 (Article 6252-26a, V.C.S.), relating to the definition of medical staff or students covered by the Act; and declaring an emergency.

S.B. 577 Relating to the powers and duties of the Parks and Wildlife Commission and the Parks and Wildlife Department, certain funds used by the Parks and Wildlife Department, and certain criminal penalties.

S.B. 613 Relating to creation of the County Court at Law No. 3 of Hidalgo County. (With amendments)

S.B. 619 Relating to the expenses of examinations conducted by the State Board of Insurance; to the appropriate designation of the name of the State Board of Insurance; amending Article 1.16, Texas Insurance Code.

S.B. 625 Relating to the report to the governor by the State Board of Insurance; amending Section 12, Article 1.10, Texas Insurance Code.

S.B. 667 Relating to the establishment of a security building for the insane at the San Antonio State Hospital.

S.B. 710 Relating to emergency ambulance service in certain counties.

S.B. 754 Relating to the exclusion of the Texas Employment Commission from the provisions of the Administrative Procedure and Texas Register Act. (With amendment)

S.B. 775 Relating to the program for transfer of service credit between the Teacher Retirement System of Texas and the Employees Retirement System of Texas.

S.B. 815 Relating to the definition of "test year" for public utility regulation.

S.B. 817 Relating to the right of a foreign corporation to transact a trust business in the state. (With amendment)

S.B. 834 Relating to tests for phenylketonuria and other heritable diseases and approval of laboratories making those tests.

S.B. 906 Relating to the establishment of Texas Eastern University as a component institution of The University of Texas System. (With amendment)

S.B. 1122 Relating to change of name on voter registration.

S.B. 1160 Relating to fees paid to members of the Board of Directors of the Aransas County Conservation and Reclamation District; amending subsection (f), Section 2, Article 8280-296, Vernon's Civil Statutes as amended:

S.B. 1187 Relating to the officer with whom are filed applications for a place on the primary ballot for nomination to a district office.

S.B. 1209 Relating to the date, hour and place of the state convention of the political parties.

S.B. 1239 Relating to the authority of a county to close a public beach for certain purposes.

RESOLUTIONS CALENDAR

S.C.R. 47 Requesting state agencies to provide greater assistance to local governments for development of free beach access and free beach-user parking.

S.C.R. 57 Granting Synergy Enterprises, Inc. permission to sue the State of Texas. (With amendment)

S.C.R. 62 Instructing the Texas Coastal and Marine Council to coordinate an evaluation by the Parks and Wildlife Department, the Department of Agriculture, the Industrial Commission, the General Land Office and the Department of Water Resources of the results produced by their respective programs and policies.

HCR 81, Commemorating the 75th anniversary of Southwest Texas State University.

HCR 82, Directing the Texas Historical Commission to design a permanent display dealing with the history of Texas.

HCR 102, Encouraging the creation of regional medical examiners' offices.

HCR 103, Requesting the Texas Department of Human Resources to evaluate its services for sexually abused children.

HCR 138, Requesting the State Board of Control to construct steps and necessary sidewalk at the northwest corner of the capitol.

HCR 139, Granting permission to Dahlstrom Corporation to sue the state.

HCR 140, Granting permission to Dahlstrom Corporation to sue the state.

HCR 141, Granting permission to Dahlstrom Corporation to sue the state.

HCR 170, Granting Vida Journot permission to sue the state.

HCR 142, Granting permission to Dahlstrom Corporation to sue the state.

HCR 143, Granting permission to Dahlstrom Corporation to sue the state.

HCR 144, Granting permission to Dahlstrom Corporation to sue the state.

HCR 145, Granting permission to Dahlstrom Corporation to sue the state.

HCR 153, Encouraging all state agencies delivering human services to expand existing volunteer programs and to initiate new programs.

HCR 160, Commending the Honorable Dale Milford.

HCR 164, Commending George H. Mahon.

HCR 165, Commending John Young.

HCR 166, Commending Olin E. Teague.

HCR 167, Commending Barbara Jordan.

HCR 174, Granting permission to Austin Bridge Company to sue the state.

S.C.R. 54 Requesting the Coordinating Board, Texas College and University System, to seek information and recommendations from the State Commission for the Deaf, the Central Education Agency, and interested institutions of higher education regarding consistent guidelines concerning education for deaf students.

Pursuant to Rule I, sec. 8, the Speaker names Rep. Tim Von Dohlen to serve on the conference committee on **H.B. 1060**- replacing Rep. Atkinson, who resigned

HB 832, A bill to be entitled An Act relating to supervision of political subdivisions participating in federal matching fund programs that provide certain kinds of public assistance.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

REPORTS OF STANDING COMMITTEES

Senator Jones of Taylor submitted the following report for the Committee on Finance:

H.J.R. 98
H.B. 1955 (Amended)
S.B. 1182

Senator Creighton submitted the following report for the Committee on Economic Development:

S.B. 1077
S.B. 1076
S.B. 916
S.B. 757
H.B. 1772
H.B. 1206
H.B. 409 (Amended)

SENATE BILL 675 WITH HOUSE AMENDMENTS

Senator Howard called **S.B. 675** from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Amendment No. 1 - Craddick

Amend **S.B. 675** by adding the following language as an additional paragraph to "Section 1 Purposes" which begins on page 4 and ends on page 5:

Nothing in this Compact shall be deemed to impair or affect the powers, rights, or obligations of the United States, or those claiming under its authority, in, over and to water of Caddo Lake; nor shall this Compact be construed as interfering with the application of the National Environmental Policy Act.

Amendment No. 2 - Grant

Amend **S.B. 675** as follows:

- (1) On page 1, line 23, add the following language:
"Additionally, the Governor, with the advice and consent of the Senate, shall appoint a local commissioner from the Caddo Lake area in Texas to serve as another commissioner to represent the State on the Commission established by Section 6 of the Compact."
- (2) On page 2, following line 1, add the following provision to Section 47.003:
"(c) The appointed local commissioner shall receive no compensation for serving as Caddo Lake Compact Commissioner, but shall be entitled to reimbursement for actual and necessary expenses incurred in the discharge of official duties."
- (3) On page 2, line 3, after the word "Commissioner," insert "and local commissioner."
- (4) On page 2, line 3, after the word "shall" (both times it is used), insert the word "each."
- (5) On page 2, line 7, after the word "Commissioner," insert "and local commissioner."
- (6) On page 2, line 7, strike "is" and substitute "are."

- (7) On page 2, line 8, strike "has" and insert "have."
- (8) On page 9, line 8, at the end of the sentence ending with "Commissioners," delete the period and add "and an appointed commissioner from each state who resides within one of the parishes, or counties, in which Caddo Lake is located."
- (9) On page 9, line 12, substitute "three" for "two."
- (10) On page 9, line 14, after the word "and," insert "the offices of the non-local commissioners are" and delete "their office is."
- (11) On page 9, line 20, after the semi-colon, delete the remainder of the sentence and substitute the following:
"however, if one or more commissioners from a state is absent, the Commissioner(s) in attendance from that state is authorized to vote on behalf of the absent Commissioner(s) from that state."
- (12) On page 9, line 23, substitute "four" for "three."

The amendments were read.

Senator Howard moved to concur in the House amendments.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent: Ogg, Parker, Santiesteban.

SENATE BILL ON FIRST READING

On motion of Senator Parker and by unanimous consent, the following bill was introduced, read first time and referred to the Committee indicated:

S.B. 1319 by Parker Natural Resources
Relating to catching and possessing spotted seatrout in Chambers County; providing a penalty.

SENATE JOINT RESOLUTION 59 ON THIRD READING

Senator Mauzy asked unanimous consent to suspend the regular order of business to take up on its third reading and final passage:

S.J.R. 59, Proposing an amendment to Article V of the Texas Constitution by adding Section 1-c to authorize the Legislature to provide for retirement and compensation paid by the state for judges of statutory county courts and for automatic retirement at a certain age.

There was objection.

Senator Mauzy then moved to suspend the regular order of business and take up **S.J.R. 59** for consideration at this time.

The motion prevailed by the following vote: Yeas 21, Nays 10.

Yeas: Blake, Braecklein, Brooks, Clower, Doggett, Jones of Harris, Kothmann, Longoria, Mauzy, McKnight, Meier, Mengden, Ogg, Parker, Patman, Santiesteban, Schwartz, Short, Truan, Valc, Williams.

Nays: Andujar, Creighton, Farabee, Harris, Howard, Jones of Taylor, Moore, Price, Snelson, Traeger.

(Senator Ogg in Chair)

The resolution was read third time and was passed by the following vote:
Yeas 21, Nays 10. (Same as previous roll call)

(President in Chair)

SENATE BILL 1230 ON THIRD READING

On motion of Senator Mauzy and by unanimous consent, the regular order of business was suspended to take up on its third reading and final passage:

S.B. 1230, Relating to the inclusion of judges of statutory county courts in the state judicial retirement system and credit for prior service as a judge of these courts; amending Chapter 99, Acts of the 51st Legislature, Regular Session, 1949, as amended (Article 6228b, Vernon's Texas Civil Statutes), by amending Sections 1 and 6A and adding Sections 2D and 5B.

The bill was read third time and was passed by the following vote: Yeas 23, Nays 8.

Yeas: Andujar, Blake, Braecklein, Brooks, Clower, Doggett, Jones of Harris, Kothmann, Longoria, Mauzy, McKnight, Meier, Mengden, Ogg, Parker, Patman, Price, Santiesteban, Schwartz, Short, Truan, Vale, Williams.

Nays: Creighton, Farabee, Harris, Howard, Jones of Taylor, Moore, Snelson, Traeger.

**COMMITTEE SUBSTITUTE SENATE BILL 378
ON THIRD READING**

On motion of Senator Andujar and by unanimous consent, the regular order of business was suspended to take up on its third reading and final passage:

C.S.S.B. 378, Relating to the regulation of insurance premium finance companies; providing penalties.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1.

Yeas: Andujar, Blake, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Harris, Howard, Jones of Harris, Jones of Taylor, Kothmann, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Parker, Price, Santiesteban, Schwartz, Short, Snelson, Traeger, Truan, Vale, Williams.

Nays: Patman.

**COMMITTEE SUBSTITUTE SENATE BILL 536
ON THIRD READING**

Senator Traeger moved to suspend the regular order of business to take up on its third reading and final passage:

C.S.S.B. 536, Relating to the establishment of a procedure for changed rates by certain utilities pending final appeal of a rate determination.

The motion prevailed by the following vote: Yeas 21, Nays 8.

Yeas: Andujar, Braecklein, Brooks, Farabee, Jones of Taylor, Kothmann, Longoria, McKnight, Meier, Mengden, Moore, Ogg, Parker, Price, Santiesteban, Short, Snelson, Traeger, Truan, Vale, Williams.

Nays: Blake, Clower, Doggett, Howard, Jones of Harris, Mauzy, Patman, Schwartz.

Absent: Creighton, Harris.

The bill was read third time and was passed by the following vote: Yeas 22, Nays 9.

Yeas: Andujar, Braecklein, Brooks, Creighton, Harris, Jones of Taylor, Kothmann, Longoria, McKnight, Meier, Mengden, Moore, Ogg, Parker, Price, Santiesteban, Short, Snelson, Traeger, Truan, Vale, Williams.

Nays: Blake, Clower, Doggett, Farabee, Howard, Jones of Harris, Mauzy, Patman, Schwartz.

SENATE JOINT RESOLUTION 18 WITH HOUSE AMENDMENTS

Senator Schwartz called **S.J.R. 18** from the President's table for consideration of the House amendments to the resolution:

The President laid the resolution and the House amendments before the Senate.

Amendment No. 1 - Bush

Amend S.J.R. No. 18 by striking all below the resolving clause and substituting the following:

SECTION 1. That Article III, Section 47, of the Texas Constitution be amended to read as follows:

Sec. 47. (a) ~~The Legislature shall pass laws prohibiting [the establishment of] lotteries and gift enterprises in this State[, as well as the sale of tickets in lotteries, gift enterprises or other evasions involving the lottery principle, established or existing in other States].~~

(b) The Legislature by law may authorize and regulate bingo games conducted by a church, synagogue, religious society, volunteer fire department, nonprofit veterans organization, fraternal organization, or nonprofit organization supporting medical research or treatment programs. A law enacted under this subsection must permit the qualified voters of any county, justice precinct, or incorporated city or town to determine from time to time, by a majority vote of the qualified voters voting on the question at an election, whether bingo games may be held in the county, justice precinct, or city or town. The law must also require that:

(1) all proceeds from the games are spent in Texas for charitable purposes of the organizations;

(2) the games are limited to one location as defined by law on property owned or leased by the church, synagogue, religious society, volunteer fire department, nonprofit veterans organization, fraternal organization, or nonprofit organization supporting medical research or treatment programs; and

(3) the games are conducted, promoted, and administered by members of the church, synagogue, religious society, volunteer fire department, nonprofit veterans organization, fraternal organization, or nonprofit organization supporting medical research or treatment programs.

SECTION 2. This proposed constitutional amendment shall be submitted to the voters at an election to be held on November 4, 1980. The ballot shall be printed to provide for voting for or against the proposition: "The constitutional amendment to authorize bingo games on a local option election basis if the games are conducted by a church, synagogue, religious society, volunteer fire department, nonprofit veterans organization, fraternal organization, or nonprofit organization supporting medical research or treatment programs and if the proceeds are to be spent in Texas for charitable purposes of the organizations."

Amendment No. 2 - Bush

Amend S.J.R. No. 18 as follows:

On page 2, after line 8, insert the following:

(4) The law enacted by the Legislature authorizing bingo games must include:

(a) a requirement that the entities conducting the games report quarterly to the Comptroller of Public Accounts about the amount of proceeds that the entities collect from the games and the purposes for which the proceeds are spent; and

(b) criminal or civil penalties to enforce the reporting requirement."

Amendment No. 3 - Bush

Amend S.J.R. No. 18 by striking all above the resolving clause and substitute the following:

A JOINT RESOLUTION

proposing a constitutional amendment to authorize bingo games for charitable purposes on a local option election basis.

The amendments were read.

Senator Schwartz moved to concur in the House amendments.

The motion prevailed by the following vote: Yeas 25, Nays 5.

Yeas: Andujar, Blake, Braecklein, Brooks, Creighton, Doggett, Farabec, Harris, Jones of Harris, Kothmann, Longoria, Meier, Mengden, Moore, Ogg, Parker, Patman, Price, Santiesteban, Schwartz, Snelson, Traeger, Truan, Vale, Williams.

Nays: Clower, Howard, Jones of Taylor, Mauzy, Short.

Absent: McKnight.

SENATE BILL 706 WITH HOUSE AMENDMENT

Senator Moore called **S.B. 706** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Amendment No. 1 - G. Green

Amend **S.B. 706** by:

- (1) deleting the word "executor" from line 4 of page 3 and substituting therefor "personal representative;" and
- (2) deleting the words "estate heirs" from line 5 of page 3 and substituting therefor the words "decendent's heirs or devisees."

The amendment was read.

Senator Moore moved to concur in the House amendment.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent: McKnight.

SENATE BILL 607 ON THIRD READING

Senator Vale asked unanimous consent to suspend the regular order of business to take up on its third reading and final passage:

S.B. 607 Relating to establishing a criminal offense for the sale, transfer, and display of certain glues or aerosol paints to certain minors.

There was objection.

Senator Vale then moved to suspend the regular order of business and take up **S.B. 607** for consideration at this time.

The motion prevailed by the following vote: Yeas 24, Nays 7.

Yeas: Blake, Braecklein, Brooks, Clower, Doggett, Farabee, Jones of Harris, Kothmann, Longoria, Mauzy, McKnight, Mcier, Mengden, Moore, Ogg, Parker, Patman, Price, Santiesteban, Schwartz, Traeger, Truan, Vale, Williams.

Nays: Andujar, Creighton, Harris, Howard, Jones of Taylor, Short, Snclson.

The bill was read third time and was passed.

BILLS AND RESOLUTION SIGNED

The President announced the signing in the presence of the Senate, after the caption had been read, the following enrolled bills and resolution:

S.B. 543
S.B. 404
S.J.R. 13
S.B. 581

SENATE BILL 664 ON THIRD READING

Senator Blake moved to suspend the regular order of business to take up on its third reading and final passage:

S.B. 664, Relating to restrictions on the construction and operation of long-term storage and permanent disposal sites for nuclear waste; providing penalties.

The motion prevailed by the following vote: Yeas 27, Nays 4.

Yeas: Andujar, Blake, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Harris, Howard, Jones of Harris, Kothmann, Longoria, Mauzy, McKnight, Meier, Ogg, Parker, Patman, Price, Santiesteban, Schwartz, Short, Snelson, Traeger, Truan, Vale.

Nays: Jones of Taylor, Mengden, Moore, Williams.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 4. (Same as previous roll call)

SENATE BILL 614 ON THIRD READING

Senator Meier moved to suspend the regular order of business to take up on its third reading and final passage:

S.B. 614, Relating to the compensation of county auditors.

The motion prevailed by the following vote: Yeas 23, Nays 7.

Yeas: Blake, Braecklein, Brooks, Clower, Doggett, Farabee, Harris, Howard, Jones of Harris, Kothmann, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Parker, Price, Santiesteban, Schwartz, Truan, Vale, Williams.

Nays: Andujar, Creighton, Jones of Taylor, Patman, Short, Snelson, Traeger.

Absent: Ogg.

The bill was read third time and was passed by the following vote: Yeas 23, Nays 7. (Same as previous roll call)

MOTION TO PLACE COMMITTEE SUBSTITUTE SENATE BILL 475 ON THIRD READING

Senator Farabee moved to suspend the regular order of business to take up on its third reading and final passage:

C.S.S.B. 475, Amending the Medical Liability and Insurance Improvement Act enacted by the 65th Legislature, being subchapter H, Sec. 8.05 (Article 4590i, V.A.T.S.) relating to Bad Faith Cause of Action.

The motion was lost by the following vote (Not receiving two-thirds vote of the Members of the Senate present): Yeas 19, Nays 10.

Yeas: Andujar, Blake, Creighton, Farabee, Harris, Howard, Jones of Taylor, Meier, Mengden, Moore, Parker, Patman, Price, Schwartz, Short, Snelson, Traeger, Vale, Williams.

Nays: Braecklein, Brooks, Clower, Doggett, Jones of Harris, Kothmann, Longoria, Mauzy, McKnight, Truan.

Absent: Ogg, Santiesteban.

HOUSE CONCURRENT RESOLUTION 166

The President laid before the Senate the following resolution:

H.C.R. 166, Commending The Honorable Olin E. Teague.

The resolution was read.

On motion of Senator Moore and by unanimous consent, the resolution was considered immediately and was adopted.

SENATE BILL 1317 ON SECOND READING

On motion of Senator Moore and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1317, Relating to the conducting and financing of ceremonies and events for the inauguration of the governor and lieutenant governor.

The bill was read second time and was passed to engrossment.

RECORD OF VOTE

Senator Patman asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

SENATE BILL 1317 ON THIRD READING

Senator Moore moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 1317** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Yeas: Andujar, Blake, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Harris, Howard, Jones of Harris, Jones of Taylor, Kothmann, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Parker, Price, Schwartz, Short, Snelson, Traeger, Truan, Vale, Williams.

Nays: Patman.

Absent: Santiesteban.

The bill was read third time and was passed.

RECORD OF VOTE

Senator Patman asked to be recorded as voting "Nay" on the final passage of the bill.

**COMMITTEE SUBSTITUTE SENATE BILL 117
ON SECOND READING**

Senator Mengden moved to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 117, Relating to the rights and the protection of a living child born as a result of an abortion.

The motion prevailed by the following vote: Yeas 25, Nays 5.

Yeas: Blake, Braecklein, Brooks, Clower, Farabee, Howard, Jones of Harris, Jones of Taylor, Kothmann, Longoria, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Price, Schwartz, Short, Snelson, Traeger, Truan, Vale, Williams.

Nays: Andujar, Creighton, Doggett, Harris, Mauzy.

Absent: Santiesteban.

The bill was read second time.

Senator Mengden offered the following amendment to the bill:

Amend C.S.S.B. No. 117 by renumbering SECTION 4 as SECTION 5 and adding a new SECTION 4 to read as follows:

SECTION 4. This Act does not affect the standard of care required of a physician in the performance of medical practice.

The amendment was read.

Senator Farabee offered the following substitute for the pending amendment:

Amend the Senate Committee Substitute for **S.B. 117** by adding a new section 4 and renumbering section 4 to section 5. The new section 4 to read as follows:

Section 4. This act shall not be construed to alter, amend, change or enlarge the current professional skill, care and diligence or duty of any physician who performs a legal abortion.

**FARABEE
DOGETT**

The substitute for the pending amendment was read.

On motion of Senator Mengden the substitute for the pending amendment was tabled by the following vote: Yeas 21, Nays 10.

Yeas: Blake, Braecklein, Howard, Jones of Harris, Jones of Taylor, Kothmann, Longoria, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Price, Santiesteban, Short, Snelson, Traeger, Vale, Williams.

Nays: Andujar, Brooks, Clower, Creighton, Doggett, Farabee, Harris, Mauzy, Schwartz, Truan.

Question recurring on the adoption of the pending amendment, the amendment was adopted by the following vote: Yeas 30, Nays 1.

Yeas: Andujar, Blake, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Harris, Howard, Jones of Harris, Jones of Taylor, Kothmann, Longoria, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Price, Santiesteban, Schwartz, Short, Snelson, Traeger, Truan, Vale, Williams.

Nays: Mauzy.

On motion of Senator Mengden and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

RECORD OF VOTES

Senators Mauzy and Doggett asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 117 ON THIRD READING

Senator Mengden moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 117** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 4.

Yeas: Blake, Braecklein, Brooks, Clower, Creighton, Harris, Howard, Jones of Harris, Jones of Taylor, Kothmann, Longoria, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Price, Santiesteban, Schwartz, Short, Snelson, Traeger, Truan, Vale, Williams.

Nays: Andujar, Doggett, Farabee, Mauzy.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 4. (Same as previous roll call)

BILL ADDED TO LOCAL AND UNCONTESTED BILLS CALENDAR

On motion of Senator Jones of Harris and by unanimous consent, **H.B. 1175** was added to the Local and Uncontested Bills Calendar scheduled for today.

MOTION RELATIVE TO LOCAL AND UNCONTESTED CALENDAR PROCEDURE

Senator Howard made the following motion:

I move that the bills and resolutions listed on the Local and Uncontested Calendar be set as Special Order for 12:15 o'clock p.m. today and considered in

the order listed, with the understanding that a bill or resolution removed from the Calendar will not be considered. I further move that the Three-Day Rule be suspended with respect to bills on the Local and Uncontested Calendar that are engrossed today.

The motion prevailed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 1067 ON SECOND READING

Senator McKnight asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

H.B. 1067, Relating to competitive bids for work on highways in the state highway system.

There was objection.

Senator McKnight then moved to suspend the regular order of business and take up **H.B. 1067** for consideration at this time.

The motion prevailed by the following vote: Yeas 28, Nays 3.

Yeas: Andujar, Blake, Bracklein, Brooks, Clower, Creighton, Doggett, Farabee, Harris, Howard, Jones of Harris, Jones of Taylor, Kothmann, Longoria, McKnight, Meier, Mengden, Moore, Parker, Price, Santiesteban, Schwartz, Short, Snelson, Traeger, Truan, Vale, Williams.

Nays: Mauzy, Ogg, Patman.

The bill was read second time and was passed to third reading.

RECORD OF VOTE

Senator Mauzy asked to be recorded as voting "Nay" on the passage of the bill to third reading.

HOUSE BILL 1067 ON THIRD READING

Senator McKnight moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 1067** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 3. (Same as previous roll call)

The bill was read third time and was passed by the following vote: Yeas 28, Nays 3. (Same as previous roll call)

SENATE BILL 708 ON SECOND READING

On motion of Senator Parker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 708, Relating to time off from work to attend political conventions.

The bill was read second time.

Senator Brooks offered the following amendment to the bill:

Amend **S.B. 708** by inserting the word "senatorial," between "county," and "or state" on line 17 on page 1 of the printed bill.

The amendment was read and was adopted.

On motion of Senator Parker and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

SENATE BILL 708 ON THIRD READING

Senator Parker moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 708** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed.

RECESS

On motion of Senator Moore the Senate at 12:11 o'clock p.m. took recess until 12:15 o'clock p.m. today.

AFTER RECESS

LOCAL AND UNCONTESTED BILLS CALENDAR

The Presiding Officer (Senator Howard in Chair) announced that the time had arrived for the consideration of the Local and Uncontested Bills Calendar in accordance with the provisions of **S.R. 16**. (Bills having been set as Special Order and Constitutional Three-Day Rule suspended by vote of 31-0 today.)

The following bills were laid before the Senate, read second time, amended (where applicable), passed to engrossment, read third time and passed. (Sponsor and vote on final passage indicated after caption of each bill. When amended, vote on final passage follows the amendment.)

S.B. 201 (Truan) Creating the State Office of Early Childhood Development. (31-0)

C.S.S.B. 334 (Schwartz) Relating to the method of measuring shrimp trawls. (31-0)

C.S.S.B. 335 (Schwartz) Relating to areas in inside water where shrimp may be taken.

Senator Schwartz offered the following amendment to the bill.

Amend Senate Bill 335 by striking all of Section 2(14) and inserting in lieu thereof the following:

“(14) ‘Bait Bays’ include major bays, Copano Bay east of a line running from Rattlesnake Point to the Northeastern boundary of the Bayside township, Nueces Bay from the bridge at State Highway 181 west to second overhead power-line dissecting the bay, Upper Laguna Madre, Baffin Bay, Alazan Bay, Carlos Bay, Baroom Bay, Lower Laguna Madre, and the Gulf Intracoastal Waterway exclusive of all tributaries.”

The amendment was read and was adopted.

Senator Schwartz offered the following amendment to the bill.

Amend Senate Bill 335 by striking all of Section 1 and inserting in lieu thereof the following:

SECTION 1. Subdivision (4), Section 77.001, Parks and Wildlife Code, is amended to read as follows:

“(4) ‘Major bays’ means the deeper, major bay areas of the inside water, including Sabine Lake north of Cameron Causeway, Trinity Bay, Galveston Bay, East Galveston Bay, West Galveston Bay, Matagorda Bay (including ~~Keller’s Bay and~~ East Matagorda Bay), Tres Palacios Bay south of a line from Grassy Point to the mouth of Pilkerton Bayou, Espiritu Santo Bay, Lavaca Bay seaward of State Highway 35 ~~[from the present causeway seaward]~~, San Antonio Bay seaward of a line from McDowell Point to Grassy Point to Marker 32 on the Victoria Barge Canal, Ayres Bay, Carlos Bay, Aransas Bay, Mesquite Bay, and Corpus Christi Bay, all exclusive of tributary bays, bayous, and inlets, lakes and rivers.”

SCHWARTZ
WILLIAMS

The amendment was read and was adopted.

Senator Schwartz offered the following amendment to the bill.

Amend Senate Bill 335 by striking all of Section 6 and inserting in lieu thereof the following:

Section 77.096. COMMERCIAL BAIT-SHRIMP NETS. No licensed commercial bait-shrimp boat operator may catch shrimp in bait bays ~~[inside water]~~ with:

“(1) more than one net at a time, except ~~that~~ one try net not exceeding 12 ~~[five]~~ feet in total measurement ~~[width]~~ as measured along an uninterrupted corkline from leading tip of door to leading tip of door and having doors or boards that do not exceed 450 square inches each, or a beam trawl exceeding five feet in width as measured along the beam of a beam trawl in its fully extended position ~~[the corkline or headrope from hanging to hanging may also be used];~~

“(2) an otter trawl and doors not ~~a net~~ exceeding the total measurement as described in Subsection (3) below as ~~[25 feet in width]~~ measured along an uninterrupted corkline from leading tip of door to leading tip of door ~~[the corkline or headrope from hanging to hanging]; and~~

“(3) the total measurement for the otter trawl and doors under Subsection (2) above shall not exceed the following:

“(A) doors three feet or more but less than four feet - 40 feet;

“(B) doors four feet or more but less than five feet - 42 feet;

"(C) doors five feet or more but less than six feet - 44 feet;
"(D) doors six feet or more but less than seven feet - 46 feet;
"(E) doors seven feet or more but less than eight feet - 48 feet;
"(F) doors eight feet or more but less than nine feet - 50 feet;
"(G) doors nine feet or more but less than 10 feet - 52 feet;
"(H) doors 10 feet or more - 54 feet; or
"(4) a beam trawl that does not exceed 25 feet as measured along the beam
in its fully extended position; or
"(5) [(3)] a net or bag having a mesh size of not less than six and one-half
inches in length between the two most widely separated knots in any consecutive
series of five stretched meshes after the net or bag has been placed in use."

SCHWARTZ
WILLIAMS

The amendment was read and was adopted.

On motion of Senator Schwartz and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (31-0)

S.B. 429 (Farabee) Relating to the creation of the office of district attorney for the 97th Judicial District. (31-0)

C.S.S.B. 903 (Farabee) Relating to the setting of standards for the teaching profession. (31-0)

S.B. 930 (Truan) Relating to the indication of Spanish origin on birth certificates. (31-0)

S.B. 1148 (Parker) Relating to the establishment of park commissions in certain counties. (31-0)

C.S.S.B. 1248 (Doggett) Relating to the coverage of the University Interscholastic League by the Administrative Procedure and Texas Register Act.

Senator Doggett offered the following amendment to the bill.

Amend **C.S.S.B. 1248** by striking all of Section 2 and substituting in lieu thereof the following:

SECTION 2. (a) Before November 1, 1979, each organization of public schools, excluding institutions of higher education, that organizes and directs interscholastic competitive activities and that makes rules or determines contested cases shall file in the office of the secretary of state two certified copies of each rule existing on the effective date of this Act. Existing rules remain in effect until November 1, 1979 at which time they become void unless they have been filed with the secretary of state as provided in this section.

(b) Insofar as this Act affects the University Interscholastic League, the Act shall apply only to the proposed rules and contested cases of the State Legislative Council and the State Executive Committee and does not apply to District and Regional Executive Committees.

The amendment was read and was adopted.

On motion of Senator Doggett and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (vv)

S.B. 1268 (Truan) Relating to the tax rate of the Willacy County Hospital District. (31-0)

S.B. 1271 (Snelson) Relating to compensation of director and deputy director of the Office of State Federal Relations. (vv)

C.S.S.B. 1292 (Creighton) Relating to the annexation and other powers of the Palo Pinto County Municipal Water District No. 1. (31-0)

S.C.R. 73 (Meier) Encouraging all state agencies delivering human services to expand volunteer programs regarding the elderly and disabled. (vv)

H.B. 305 (Blake) Relating to the sale and conveyance of certain land described by the Texas Board of Mental Health and Mental Retardation.

Senator Blake offered the following committee amendment to the bill.

Amend H.B. No. 305 by striking Section 2 and substituting the following:

SECTION 2. The tract or parcel of surplus land referred to in Section 1 of this Act is 53.24 acres of land, more or less, same being a part of and out of the remnant of the Rusk State Hospital land in the A. H. White Survey, Abst. No. 931 and the J. R. Blanton Survey, Abst. No. 106 in Cherokee County, Texas; said Hospital land being described as a 1929.79 acre tract in Corrected Resolution to Rusk State Hospital from State Board of Control of Texas, dated December 4, 1929, of record in Vol. 139 page 426 of the Deed Records of Cherokee County, Texas; said 53.24 acres of land, more or less, being more particularly described by metes and bounds as follows:

Beginning at a brass cap marker stamped 74-1969 being the occupied southwest corner of what is called a 5 acre tract located in said Blanton Survey in above mentioned deed;

Thence South 02° 11' 58" East with the occupied east boundary line of said Hospital land, same following the general line of an old fence, a distance of 433.32 feet to a marker stamped 75-1969 at a fence corner in the fenced north right of way line of Castner Drive;

Thence South 88° 07' 18" West with said right of way line, a distance of 691 feet to its intersection with the northeast right of way line of U. S. Highway 69;

Thence North 47° 34' 51" West with said highway right of way line a distance of 1000 feet to point for corner;

Thence North 05° 47' 45" West 508.08 feet to point on old fence line;

Thence North 83° 23' 18" East with said old fence line, a distance of 367.68 feet to point for corner;

Thence North 01° 52' 46" West 567.30 feet to point for corner;

Thence East 1065.72 feet to corner in an east boundary line of said Hospital land;

Thence South 02° 07' 37" East with said east boundary line, a distance of 757.93 feet to a marker stamped 71-1969, being the occupied northwest corner of before mentioned 5 acre tract;

Thence North 88° 39' 12" East with the occupied north boundary line of said 5 acre tract and the general line of the existing fence, a distance of 442.30 feet to a marker stamped 72-1969, being the occupied northeast corner of before mentioned 5 acre tract;

Thence South 01° 14' 27" West with the occupied east boundary line of said 5 acre tract and the general line of the existing fence, a distance of 578.40 feet to a marker stamped 73-1969, being the occupied southeast corner of before mentioned 5 acre tract;

Thence South 88° 48' 42" West with the occupied south boundary line of said 5 acre tract and the general line of the existing fence, a distance of 406.69 feet to the place of beginning, containing 53.24 acres of land more or less, of which 47.61 acres of land, more or less, lies in said White Survey and 5.63 acres of land, more or less, lies in said Blanton Survey.

The committee amendment was read and was adopted.

On motion of Senator Blake and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (31-0)

H.B. 436 (Traeger) Relating to the quantity of ballots furnished for election precincts.

Senator Traeger offered the following amendment to the bill:

Amend **H.B. 436** by striking all below the enacting clause and substituting the following:

SECTION 1. Section 64, Texas Election Code (Article 6.09, Vernon's Texas Election Code), is amended to read as follows:

64. BALLOTS FURNISHED. (a) The authority responsible for furnishing the ballots in an election shall furnish each election precinct a number of ballots sufficient to conduct the election. [For each voting precinct, there shall be furnished at least as many official ballots plus ten per cent (10%) as there are qualified voters in the precinct, as shown by the list required to be furnished by the tax collector to precinct judges.] The official ballots to be counted before delivery and sealed up and together with the instruction cards, with poll lists, tally sheets, distance markers, returning blanks and stationery, shall be delivered to the precinct judges, and the number of each endorsed on the package, and entered of record by the [county] clerk in the minutes of the Commissioners Court or, in an election ordered by an authority of a political subdivision other than a county, on the minutes of the governing body of that subdivision. In like manner, shall be sent the list of qualified voters for the precinct certified to by the collector.

(b) The number of ballots delivered for use in absentee voting and the range of serial numbers on those ballots and on the ballots delivered for use in regular voting on election day shall also be entered of record in the minutes.

SECTION 2. Section 37, Texas Election Code (Article 5.05, Vernon's Texas Election Code), is amended by adding Subdivision 4f to read as follows:

Subdiv. 4f. DEFECTIVE, MUTILATED, AND UNUSED BALLOTS. The absentee voting clerk shall handle and account for defectively printed, defaced, and mutilated ballots and other unused ballots in the same manner as prescribed by this code for unused ballots in regular voting on election day.

SECTION 3. House Bill No. 923, Acts of the 66th Legislature, Regular Session, 1979, is repealed.

SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

The amendment was read and was adopted.

On motion of Senator Traeger and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (vv)

H.B. 455 (Ogg) Relating to the requirement that school bus drivers give bond. (31-0)

C.S.H.B. 508 (Snelson) Reestablishing the semester plan in the public schools. (31-0)

C.S.H.B. 779 (Longoria) Relating to acquisition and disposition of land by Pan American University. (31-0)

H.B. 784 (Blake) Relating to changing names of Rusk State Hospital and Abilene State Hospital. (31-0)

H.B. 1069 (Truan) Authorizing the University System of South Texas to convey certain state-owned land. (31-0)

H.B. 1175 (Creighton) Relating to creation of the Bowie Water Supply District. (31-0)

H.B. 1318 (Mengden) Relating to employee benefit plans for employees of state banks. (31-0)

H.B. 1373 (Jones of Taylor) Relating to the eligibility of surplus lines insurers. (31-0)

H.B. 1491 (Creighton) Relating to the issuance of certificates of obligation to be sold for cash. (31-0)

H.B. 1523 (Schwartz) Authorizing the Board of Regents of the University of Texas System to lease Jennie Sealy Hospital and the R. Waverly Smith Pavilion to the University of Texas Medical Branch at Galveston. (vv)

H.B. 1575 (Mauzy) Relating to the reprimanding of teachers or the suspension of teaching certificates by the State Commissioner of Education. (31-0)

H.B. 1590 (Andujar) Relating to fees collected by district clerks. (31-0)

C.S.H.B. 1662 (Blake) Relating to reimbursement of counties for commitment hearings required by the Mentally Retarded Persons Act. (31-0)

H.B. 1787 (Braecklein) Relating to assignments of certain judges of domestic relations courts.

Senator Braecklein offered the following committee amendment to the bill.

Insert in Sec. 4, line 12, p. 3, after the word salary [.] the following:

Such payment shall be made from the item in the Judiciary Section—Comptrollers Department—of the Appropriations Act providing for payment of salaries of district judges and criminal district judges.

The committee amendment was read and was adopted.

On motion of Senator Braecklein and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (31-0)

H.B. 2154 (Santiesteban) Relating to the taxes of certain hospital districts in certain counties. (31-0)

H.B. 2161 (Howard) Relating to annexation of land by the Lamar County Water Supply District. (31-0)

H.C.R. 188 (Vale) Extending sympathy and commending police action regarding the tragedy during the San Antonio Fiesta. (vv)

S.B. 734 (Brooks) Relating to the valuation and depreciation of certain state bank property. (31-0)

S.B. 869 (Brooks) Relating to the appointment of advisory committees by the Texas Board of Health.

Senator Doggett offered the following amendment to the bill.

Amend S.B. No. 869 by adding on page 1, line 13, after the sentence ending with "employees." the following:

Two members of each advisory committee must be representatives of the general public. A person is eligible to be appointed and to serve as a public member of an advisory committee if the person and the person's spouse are not licensed by an occupational regulatory agency in the health care field, are not employed by any health care facility, agency, or corporation or by a corporation authorized to underwrite health care insurance, do not govern or administer a health care facility, agency, or corporation, and do not have, other than as consumers, a financial interest in a health care facility, agency, or corporation.

The amendment was read and was adopted.

On motion of Senator Brooks and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (31-0)

C.S.S.B. 898 (Brooks) Relating to representation of the Texas Department of Human Resources in certain judicial proceedings. (31-0)

CONCLUSION OF SESSION FOR LOCAL AND UNCONTESTED BILLS CALENDAR

The Presiding Officer (Senator Howard in Chair) announced that the session for the consideration of the Local and Uncontested Bills Calendar was concluded.

RECESS

On motion of Senator Moore the Senate at 12:40 o'clock p.m. recessed until 2:00 o'clock p.m. today.

AFTER RECESS

The Senate met at 2:00 o'clock p.m. and was called to order by the President.

CO-AUTHOR OF SENATE BILL 794

On motion of Senator Vale and by unanimous consent, Senator Schwartz will be shown as Co-author of **S.B. 794**.

HOUSE BILLS ON FIRST READING

The following bills received from the House were read the first time and referred to the Committee indicated:

H.B. 383, To Committee on Natural Resources.
H.B. 461, To Committee on Intergovernmental Relations.
H.B. 760, To Committee on Natural Resources.
H.B. 832, To Committee on Human Resources.
H.B. 836, To Committee on Education.
H.B. 864, To Committee on Education.
H.B. 867, To Committee on Natural Resources.
H.B. 1042, To Committee on Intergovernmental Relations.
H.B. 1061, To Committee on State Affairs.
H.B. 1100, To Committee on Education.
H.B. 1137, To Committee on Intergovernmental Relations.
H.B. 1168, To Committee on Intergovernmental Relations.
H.B. 1262, To Committee on Intergovernmental Relations.
H.B. 1340, To Committee on Intergovernmental Relations.
H.B. 1483, To Committee on Intergovernmental Relations.
H.B. 1484, To Committee on Economic Development.
H.B. 1503, To Committee on Economic Development.
H.B. 1506, To Committee on Finance.
H.B. 1547, To Committee on State Affairs.
H.B. 1626, To Committee on Intergovernmental Relations.
H.B. 1647, To Committee on Natural Resources.
H.B. 1774, To Committee on Intergovernmental Relations.
H.B. 1784, To Committee on State Affairs.
H.B. 1829, To Committee on Economic Development.
H.B. 1831, To Committee on Human Resources.
H.B. 1834, To Committee on Human Resources.
H.B. 1912, To Committee on Economic Development.
H.B. 1914, To Committee on Education.
H.B. 1950, To Committee on Intergovernmental Relations.
H.B. 1954, To Committee on Intergovernmental Relations.
H.B. 1957, To Committee on Economic Development.
H.B. 1989, To Committee on Jurisprudence.
H.B. 2030, To Committee on Economic Development.
H.B. 2040, To Committee on Economic Development.
H.B. 2046, To Committee on Natural Resources.
H.B. 2071, To Committee on Intergovernmental Relations.
H.B. 2080, To Committee on Human Resources.
H.B. 2118, To Committee on Jurisprudence.
H.B. 2133, To Committee on Intergovernmental Relations.
H.B. 2142, To Committee on Education.
H.B. 2158, To Committee on Natural Resources.
H.B. 2165, To Committee on Education.
H.B. 2174, To Committee on Intergovernmental Relations.
H.B. 2176, To Committee on Intergovernmental Relations.

H.B. 2187, To Committee on Intergovernmental Relations.
H.B. 2189, To Committee on Natural Resources.
H.B. 2204, To Committee on Natural Resources.
H.B. 2211, To Committee on Natural Resources.
H.B. 2212, To Committee on Intergovernmental Relations.
H.B. 2213, To Committee on Natural Resources.
H.B. 2214, To Committee on Intergovernmental Relations.
H.B. 2223, To Committee on Natural Resources.
H.B. 2226, To Committee on Intergovernmental Relations.
H.B. 2241, To Committee on Natural Resources.
H.B. 2252, To Committee on Intergovernmental Relations.

LEAVE OF ABSENCE

Senator Jones of Taylor was granted leave of absence for the remainder of today on account of important business on motion of Senator Meier.

(Senator Mauzy in Chair)

COMMITTEE SUBSTITUTE SENATE BILL 1195 ON SECOND READING

On motion of Senator Snelson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1195, Relating to depositories of independent school districts.

The bill was read second time.

Senator Snelson offered the following amendment to the bill:

Amend C.S.S.B. No. 1195 by striking all below the enacting clause and substituting the following:

SECTION 1. Section 20.42, Texas Education Code, is amended to read as follows:

Sec. 20.42. INVESTMENT OF BOND PROCEEDS IN OBLIGATIONS OF UNITED STATES; INTEREST BEARING SECURED TIME BANK DEPOSITS. From and after the effective date of this code, any school district within the state which has or may have on hand any sums of money which are proceeds received from the issue and sale of bonds or certificates of indebtedness of any such school district, either before or after the effective date of this code, which proceeds are not immediately needed for the purposes for which such bonds or certificates of indebtedness were issued and sold, may, upon order of the board of trustees of such school district, place the proceeds of such bonds or certificates of indebtedness on interest bearing time deposit, secured in the manner provided in Section 23.79 ~~[23.63]~~ of this code, with a state or national banking corporation within this state the deposits of which are insured by the Federal Deposit Insurance Corporation, or invest the proceeds of such bonds or certificates of indebtedness in bonds of the United States of America or in other obligations of the United States of America, as may be determined by the board of trustees of the school district; but such interest bearing secured time deposits or bonds or other obligations of the United States of America shall be of a type which cannot be cashed, sold or redeemed for an amount less than the sum

deposited or invested therein by such school district; and when such sums so placed or so invested by a school district are needed for the purposes for which the bonds or certificates of indebtedness of the school district were originally authorized, issued and sold, such time deposits or bonds or other obligations of the United States of America in which such sums have been placed or invested shall be cashed, sold or redeemed and the proceeds thereof shall be used for the purposes for which the bonds or certificates of indebtedness of the school district were originally authorized, issued and sold.

SECTION 2. Subchapter E, Chapter 23, Texas Education Code, as amended, is amended to read as follows:

SUBCHAPTER E. SCHOOL DEPOSITORY ACT

Sec. 23.71. **SHORT TITLE.** This subchapter may be cited as the School Depository Act.

Sec. 23.72. **SELECTION OF DEPOSITORY.** The school depository or depositories of every independent school district shall be selected only as provided by this subchapter. ~~[ADOPTION OF ACT OPTIONAL. Any independent school district may elect by a majority vote of its board of trustees to adopt the terms and provisions of this subchapter. Thereafter, the school depository or depositories for said school district shall be selected in accordance with the terms and provisions of this subchapter.]~~

Sec. 23.73. **DEFINITIONS.** As used in this Act, unless otherwise clearly indicated by the context:

(1) "School district" means any public independent school district.
 (2) "Bank" means a state bank authorized and regulated under the laws of the state pertaining to banking and in particular authorized and regulated by the Banking Department Self-Support and Administration Act, or a national bank authorized and regulated by federal law, but does not include any bank the deposits of which are not insured by the Federal Deposit Insurance Corporation.

(3) "Time Deposit," including "time certificate," "certificate of deposit," and "time deposit-open account," have the same definitions as adopted for said terms by the Board of Governors of the Federal Reserve System.

(4) "Approved securities" means: ~~[bonds of the United States,]~~

(A) bonds of the State of Texas, bonds of the counties of the State of Texas, bonds of school districts of the State of Texas, bonds of any town or city of the State of Texas, and bonds of any ~~[other]~~ agency, district or political subdivision of the State of Texas; or

(B) all evidences of indebtedness legally issued by the board of trustees of the depositing school district, all debt securities which are a direct obligation of the treasury of the United States, all debt securities except reducing principal balance securities the principal of which is unconditionally guaranteed in the event of default by the full faith and credit of the United States, and those securities provided for by Article 842, Revised Civil Statutes of Texas, 1925, as amended, and Section 1, Chapter 160, General Laws, Acts of the 43rd Legislature, 1933, as amended (Article 842a, Vernon's Texas Civil Statutes).

Sec. 23.74. **DEPOSITORY MUST BE A BANK.** A school depository under the terms and provisions of this subchapter shall be a bank located in the State of Texas ~~[, if any, located within the territory of the school district selecting said depository, and, if none, a bank within the territory of an adjoining school district].~~

Sec. 23.75. **TRUSTEE AS STOCKHOLDER, ETC., OF BANK.** In the event a member of the board of trustees of a school district is a stockholder, officer, director, or employee of a bank, ~~[located in said school district, or a~~

~~bank located in an adjoining school district,~~] said bank shall not be disqualified from bidding and becoming the school depository of said school district provided said bank is selected by a majority vote of the board of trustees of said school district or a majority vote of a quorum when only a quorum eligible to vote is present. Common law rules in conflict with the terms and provisions of this Act are hereby modified as herein provided. If a member of the board of trustees of a school district is a stockholder, officer, director, or employee of a bank that has bid to become a ~~[the]~~ depository for said school district, said member of said board of trustees shall not vote on the awarding of a ~~[the]~~ depository contract to said bank and said school depository contract shall be awarded by a majority vote of said ~~[board of]~~ trustees as above provided who are not either a stockholder, officer, director, or employee of a ~~[the]~~ bank receiving a ~~[said]~~ school district depository contract.

Sec. 23.76. TERM; BOND OR PLEDGE OF SECURITIES. The depository bank when ~~[thus]~~ selected shall serve for a term of two years and until its successor shall have been duly selected and qualified, and shall give bond or pledge approved securities as hereinafter provided. Said term shall commence ~~[on September 1]~~ and terminate on the fiscal year of odd-numbered years ~~[on August 31]~~. No premium on any depository bond shall be paid out of funds of the school district.

Sec. 23.77. BID NOTICES; BID FORM. (a) The board of trustees of each ~~[any]~~ school district ~~[adopting this subchapter]~~ shall, at least 30 days prior to the termination of the then current depository contract, mail to each bank located in said district and, if desired, to other banks ~~[if any, otherwise to each of the banks located in an adjoining school district]~~, a notice stating the time and place in which bid applications will be received for selecting a school depository or depositories. Attached to said notice shall be a uniform bid blank which shall be substantially in the following form:

Board of Trustees, _____ Independent School District

Members of the Board: ~~[Gentlemen:]~~

The undersigned, a state or national banking corporation the deposits of which are insured by the Federal Deposit Insurance Corporation, hereinafter called bidder, for the privilege of acting as Depository of the

_____ Independent School District of _____ County, Texas, hereinafter called District, for a term of two years, beginning _____, 19 ~~[September 1, 19__]~~, and ending _____, 19 ~~[August 31, 19__]~~, and for the further privilege of receiving all funds or only certain funds to be designated by the District if more than one depository is selected, at the District's ~~[its]~~ option to place on demand deposit or interest bearing time deposits as provided in the School Depository Act, and with the full understanding that the District reserves the right to invest its funds from time to time as permitted by law, bidder will pay and charge District as follows:

1. (A) _____% interest per annum compounded ~~[quarterly]~~ on time deposits not exceeding \$ _____ and having a maturity date _____ ~~[90]~~ days ~~[or more]~~ after the date of deposit or payable upon written notice of a like number of ~~[90]~~ days ~~[or more]~~;

(B) _____% interest per annum compounded _____ on time deposits exceeding \$ _____ and having a maturity date _____ days after the date of deposit or payable upon written notice of a like number of days;

(C) _____% interest per annum compounded _____ on time deposits not exceeding \$ _____ and having a maturity date _____ months after the date of deposit or payable upon written notice of a like number of months;

(D) _____ % interest per annum compounded _____ on time deposits exceeding \$ _____ and having a maturity date _____ months after the date of deposit or payable upon written notice of a like number of months.

2. _____ % interest per annum compounded _____ [quarterly] on time deposits having a maturity date less than 90 days after the date of deposit or payable upon written notice of less than 90 days.

3. _____ % interest per annum [rate] to be paid by District to Bidder on overdrafts or their equivalent. (Overdraft as used in this paragraph shall mean that District does not have a compensating balance in other District funds or accounts ~~in the then current school year~~ in Bidder's bank equaling or exceeding overdrafts in a District fund or account. The amount of an overdraft shall be determined by adding all of the District's noninterest bearing funds or noninterest bearing accounts in the Bidder's bank at the close of business each day.)

4. Bidder will charge District \$ _____ for keeping District's deposit records and accounts for the period covered by this bid. Included in and required as a part of this duty are the following:

(A) ~~(a)~~ Preparation of monthly statements showing debits, credits and balance of each separate fund.

(B) ~~(b)~~ Keeping a full and separate itemized account of each different class of school funds coming into its hands, and making its records available for audit by the District, its independent auditors, and the Central Education Agency ~~[Preparation of all accounts, reports, and records as provided in Section 21.256, Texas Education Code]~~.

(C) ~~(c)~~ Preparation of such other reports, accounts and records which may, from time to time, be required by District in order that it may properly fulfill its fiscal duties ~~[to properly discharge the duties as provided by law of Depository]~~.

(D) ~~(d)~~ Furnishing of the quantity, quality and type of checks necessary for District's use during the period for which this bid is submitted.

5. District reserves the right to invest any and all of its funds as permitted by Sections 20.42 and 23.80 of this code ~~[in bonds of the United States of America or other type of bonds, securities, certificates, warrants, etc., which District is authorized by law to invest in]~~. Bidder will and shall aid and assist District in any permitted investment without charge.

6. Bidder shall furnish to District a bond in the amount and conditioned as provided in The School Depository Act, or in lieu thereof shall pledge ~~[pledged]~~ approved securities in an amount sufficient as provided in this subchapter, delivering to the District either the securities pledged or safekeeping receipts for them, properly marked to show the pledge, and shall deliver to the Central Education Agency photocopies of the safekeeping receipts ~~[determined by the Board of Trustees of District to adequately protect the funds of the District deposited with Bidder]~~. District reserves the right ~~[to alter from time to time the required amount of securities to be sufficiently adequate to protect said funds and]~~ to approve or reject the securities so pledged. Bidder shall have the right and privilege of substituting approved securities upon obtaining the approval of District, provided the total amount of approved securities deposited is adequate as herein provided.

7. This bid was requested by District and is made by Bidder with the expressed agreement and understanding that District reserves the right to reject any and all bids and the further right that if any portion or provision of this bid and/or any contract between Bidder and District entered into by virtue thereof is invalid, the remainder of this bid and/or resulting contract at the option of the

District shall remain in full force and effect, and not be affected by said invalid portion or provision.

8. Attached hereto is a ~~[certified, or]~~ Cashier's Check in the sum of \$ payable to the _____ Independent School District. If this bid to be Depository of all District funds or to be Depository of only a designated amount of said funds~~[r]~~ is accepted, said check is to secure the performance of said bid, and if Bidder fails to enter into a contract with District as provided in this bid, then said check shall be cashed ~~[retained]~~ by District as liquidated damages for said failure. If the Bidder enters into a contract with the District, the District shall return the check to the Bidder. In the event this bid is not accepted, the ~~[above]~~ check is to be returned to the Bidder immediately after the contract award is made.

DATED this the _____ day of _____, 19__.

BIDDER _____

BY _____

TITLE _____

(b) The school district may add other terms and conditions to the uniform bid blank, provided that the other terms and conditions do not unfairly restrict competition between banks in or near the territory of the school district.

(c) Interest rates may be stated in the bid either as a fixed rate, as a percentage of a stated base rate, in relation to a stated prevailing rate varying from time to time, or in any other manner, but in every case a uniform manner, which will permit comparison with other bids received.

Sec. 23.78. AWARD OF CONTRACT. (a) If tie bids are received for said school depository contract and each of said tie bidders has bid to pay the school district the maximum interest rates ~~[rate]~~ allowed by law by the Board of Governors of the Federal Reserve System and the Board of Directors of the Federal Deposit Insurance Corporation, and said tie bids are otherwise equal in the judgment and discretion of the board of trustees of said school district and two or more of said tie bidders in the judgment and discretion of said school district have the facilities and ability to render the necessary services of school depository for said school district, said board of trustees may award said depository contract in accordance with any one of the following methods:

(1) Award said contract, at the discretion of the board of trustees, to any one of said tie bidders;

(2) Determine by lot which of said tie bidders shall receive said depository contract; or

(3) Award a depository contract to each of said tie bidders or to as many of said tie bidders as the board of trustees may select.

(b) Said board of trustees shall have the discretion from time to time during the period of said contract to determine the amount of funds to be deposited in each of said depository banks and to determine the account services offered in the bid form which are to be rendered by each of said banks in its capacity as school depository. Provided, however, that all funds received by the district from or through the Central Education Agency shall be deposited and retained in one depository bank to be designated by the district as its depository for said funds.

(c) The board of trustees of the school district shall at a regular meeting or special meeting consider all bids received in accordance with the terms and provisions of the above-mentioned procedure; and in determining the highest and best bid, or in case of tie bids as above provided the highest and best tie bids, said board of trustees shall consider the interest rate bid on time deposits, charge for keeping district accounts, records, and reports and furnishing checks, and the ability of the bidder to render the necessary services and perform the duties as

school depository, together with all other matters which in the judgment of said board of trustees would be to the best interest of said school district. The board of trustees of said school district shall have the right to reject any and all bids.

Sec. 23.79. DEPOSITORY CONTRACT; BOND. (a) The bank or banks selected as school depository or depositories in accordance with the terms and provisions of this Act, and the school district shall make and enter into a depository contract or contracts, bond or bonds, or such other necessary instruments setting forth the duties, responsibilities, and agreements pertaining to said depository, in a form and with the content prescribed by the Central Education Agency, attaching to the contract and incorporating in the contract by reference the bid of the depository, and said depository bank shall attach to said contract and file with the school district a bond in an initial amount equal to the estimated highest daily balance to be determined by the board of trustees of the district of all deposits which the school district will have in said depository during the term of the depository contract, less any applicable Federal Deposit Insurance Corporation insurance. Said bond shall be payable to the school district and shall be signed by said depository bank and by some surety company authorized to do business in the state. The depository bank shall increase the amount of the bond if the board of trustees determines it to be necessary to adequately protect the funds of the school district deposited with the depository bank.

(b) Said bond shall be conditioned for the faithful performance of all duties and obligations devolving by law upon said depository, and for the payment upon presentation of all checks or drafts upon order of the board of trustees of said school district, in accordance with its orders duly entered by said board of trustees according to the laws of the State of Texas; for the payment upon demand of any demand deposit in said depository; for the payment after the expiration of the period of notice required, of any time deposit in said depository; and that said school funds shall be faithfully kept by said depository and accounted for according to law and shall faithfully pay over to the successor depository all balances remaining in said accounts. Said bond and the surety thereon shall be approved by the board of trustees of said school district and a copy of said depository contract and bond shall be filed with the State Department of Education.

(c) In lieu of the above-mentioned bond, the depository bank shall have the option of depositing or pledging with the school district, or with a trustee designated by the school district, approved securities in an amount sufficient to adequately protect the funds of school district deposited with depository bank. The school district shall designate from time to time the amount of approved securities to adequately protect district. The district may not designate an amount less than the balance of school district funds on deposit with the depository bank from day to day, less any applicable Federal Deposit Insurance Corporation insurance. The depository bank shall have the right and privilege of substituting approved securities upon obtaining the approval of the school district. For the purposes of this subsection, the approved securities shall be valued at their market value.

Sec. 23.80. INVESTMENT OF DISTRICT FUNDS. The school district shall have the right to provide in its bid blank for the right to place on time deposits with savings and loan institutions located within the State of Texas only funds that are fully insured by the Federal Savings and Loan Insurance Corporation, but no district may place on deposit with any savings and loan institution any bond or certificate of indebtedness proceeds as provided by Section 20.42 of this code. The school district is entitled ~~to~~ to invest any and all of its funds in ~~bonds~~ direct debt securities of the United States of America or other types of bonds, securities, ~~certificates,~~ warrants, etc., which the district

is authorized by law to invest in. No depository bank selected under this subchapter may be compelled without its consent to accept on time deposit any bond proceeds under Section 20.42 of this code, but a depository shall be permitted to offer a bid of interest equaling the highest bid of interest for the time deposit of the bond proceeds tendered by another bank. If the depository bank equals the bid, it is entitled to receive the bond proceeds on time deposit.

~~[Sec. 23.81. DEPOSITORY AS TREASURER. The bank or banks selected as school depository or depositories under the terms and provisions of this subchapter shall also be known as treasurer for said school district, and all depository duties of a treasurer of a school district provided in other statutes shall be performed by said depository bank or banks without any additional charge.]~~

~~[Sec. 23.82. EFFECT OF SUBCHAPTER. This subchapter shall be an alternate method of selecting a school depository or depositories and shall be applicable only to the districts adopting same as provided in Section 23.72 of this code. A district adopting this subchapter shall select its depository or depositories in accordance with the terms and provisions hereof, and all other statutes pertaining to the selection of a depository shall not apply. A district adopting this subchapter may, by majority vote of its board of trustees, discontinue the selection of its depository as herein provided.]~~

SECTION 3. Subchapter D, Chapter 23, Texas Education Code, is repealed.

SECTION 4. A school district that, on the effective date of this Act, has a contract with a depository bank that terminates in an even-numbered year may select a depository bank to serve a term ending at the end of the fiscal year of the next odd-numbered year even though the term of the service as a depository is for less than two years. Thereafter, the term of service as a depository bank shall be in accordance with Section 23.76, Texas Education Code, as amended.

SECTION 5. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read and was adopted.

On motion of Senator Snelson and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 1195 ON THIRD READING

Senator Snelson moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 1195** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Absent: Harris, McKnight, Moore.

Absent-excused: Jones of Taylor.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 0. (Same as previous roll call)

(President in Chair)

**COMMITTEE SUBSTITUTE SENATE BILL 313
ON SECOND READING**

On motion of Senator Harris and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 313, Consolidating the State Board of Registration for Public Surveyors and the State Board of Examiners for Licensed State Land Surveyors into Texas Board of Land Surveying and defining the powers, duties, functions, and administration of said Board; providing offenses and penalties, and declaring an emergency.

The bill was read second time.

Senator Harris offered the following amendment to the bill:

Amend **C.S.S.B. 313** as follows:

- a) Amend subsection (f) of Section 9 by striking the words "or legal" from the second sentence thereof; and
- b) Amend the last sentence of subsection (a) of Section 24 thereof to read as follows:

"The board may employ the investigators or inspectors necessary to properly enforce the provisions of this act."

The amendment was read and was adopted.

Senator Harris offered the following amendment to the bill:

Amend Section 13 of **C.S.S.B. 313** to read as follows:

"SECTION 13. RECEIPTS AND DISBURSEMENTS. The Secretary of the board shall receive and account for all fees received under the provisions of this Act and shall deposit these funds in the state treasury to the credit of a special fund to be known as the "Land Surveying Fund". At the beginning of each biennium all monies then in such fund which are not then appropriated or obligated shall be set over and paid into the General Revenue Fund. This fund shall be paid out only by warrants of the comptroller of public accounts upon itemized vouchers approved by the secretary of the board. Under no circumstances shall the total amount of warrants issued by the comptroller of public accounts in payment of the expenses and compensation provided for in this Act exceed the amount in the land surveying fund. All payments to persons retained or employed by the board, or to members of the board, and all per diem and expenses incurred under this Act, shall be paid out of the land surveying fund provided herein, and no part of the expense of administering this Act shall ever be a charge against the general funds of the State of Texas. The board shall, as of August 31 of each year after the passage of this Act, make a report to the governor, lieutenant governor, and speaker of the house of representatives for all receipts and disbursements under this Act. The financial transactions of the board shall be audited annually by the state auditor."

The amendment was read and was adopted.

On motion of Senator Harris and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

**COMMITTEE SUBSTITUTE SENATE BILL 313
ON THIRD READING**

Senator Harris moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 313** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent: McKnight, Moore.

Absent-excused: Jones of Taylor.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0. (Same as previous roll call)

**MOTION TO PLACE SENATE JOINT RESOLUTION 39 ON
SECOND READING**

Senator Harris moved to suspend the regular order of business to take up for consideration at this time:

S.J.R. 39, Proposing a constitutional amendment relating to the budget execution powers of the governor and the power to veto or reduce items of appropriation. (Submitted by Governor as an emergency.)

The motion was lost by the following vote (Not receiving two-thirds vote of the Members of the Senate present): Yeas 17, Nays 10.

Yeas: Blake, Braecklein, Clower, Creighton, Doggett, Harris, Howard, Meier, Mengden, Moore, Ogg, Price, Santiesteban, Schwartz, Short, Traeger, Truan.

Nays: Brooks, Farabee, Jones of Harris, Kothmann, Longoria, Mauzy, Parker, Patman, Vale, Williams.

Absent: Andujar, McKnight, Snelson.

Absent-excused: Jones of Taylor.

MESSAGE FROM THE HOUSE

House Chamber
May 14, 1979

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I AM DIRECTED BY THE HOUSE TO INFORM THE SENATE THAT THE HOUSE HAS PASSED THE FOLLOWING:

S.B. 623 Relating to regulation of personnel employment services; providing a penalty.

HB 1714, A bill to be entitled An Act relating to respite care provided by licensed nursing, convalescent, and foster care homes.

HB 2135, A bill to be entitled An Act relating to private outdoor training programs for deaf students.

All necessary rules suspended, and the House concurred in Senate amendments to House Bill No. 616 by a non-record vote.

Motion to reconsider vote by which House concurred in Senate amendments to **H.B. 616** and to table the motion to reconsider prevailed by a non-record vote.

All necessary rules suspended, and the House concurred in Senate amendments to House Bill No. 304 by a vote of 95 Ayes, 36 Noes.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

**COMMITTEE SUBSTITUTE SENATE BILL 580
ON SECOND READING**

Senator Schwartz moved to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 580, Relating to the authority of the Parks and Wildlife Commission to set the fee for the issuance of certain licenses.

The motion prevailed by the following vote: Yeas 22, Nays 5.

Yeas: Blake, Braecklein, Creighton, Doggett, Farabee, Harris, Howard, Jones of Harris, Kothmann, Longoria, Mauzy, Meier, Ogg, Parker, Price, Santiesteban, Schwartz, Short, Traeger, Truan, Vale, Williams.

Nays: Brooks, Clower, Mengden, Moore, Patman.

Absent: Andujar, McKnight, Snelson.

Absent-excused: Jones of Taylor.

The bill was read second time.

(Senator Meier in Chair)

Senator Schwartz offered the following amendment to the bill:

Amend S.B. No. 580 by striking all below the enacting clause and substituting the following:

SECTION 1. Section 42.014, Parks and Wildlife Code, is amended to read as follows:

Sec. 42.014. **NONRESIDENT SMALL GAME LICENSE FEE.** The fee for a nonresident small game hunting license is an amount set by the commission but not less than \$37.75, 75 cents of which may be retained by the officer issuing the license as his collection fee.

SECTION 2. Section 42.0141, Parks and Wildlife Code, as added, is amended to read as follows:

Sec. 42.0141. **GENERAL NONRESIDENT HUNTING LICENSE FEE.** The fee for a general nonresident hunting license is an amount set by the commission but not less than \$100.75, 75 cents of which may be retained by the officer issuing the license as his collection fee.

SECTION 5. Section 46.004, Parks and Wildlife Code, as amended by Section 5 of Chapter 409 and by Section 1 of Chapter 599, Acts of the 65th Legislature, Regular Session, 1977, is amended to read as follows:

(b) The nonresident or alien fishing license fee is an amount set by the commission but not less than \$10.50.

(c) The license deputy issuing the license may retain 50 cents as a fee for collecting the license fee and issuing the license.

SECTION 3. Section 46.0051, Parks and Wildlife Code, as added, is amended to read as follows:

Sec. 46.0051. **TEMPOARY NONRESIDENT LICENSE.** (a) A nonresident or alien is entitled to receive from the department a license allowing fishing for sporting purposes in public water for a period of five days.

(b) The license fee is an amount set by the commission but not less than \$4.50, of which fee 50 cents may be retained as a collection fee.

SECTION 4. Section 47.001 (2), Parks and Wildlife Code, is amended to read as follows:

(2) "Commercial finfish [Tidal water commercial] fisherman" means a person who catches only finfish [fish, oysters, shrimp, menhaden, or other edible aquatic products] from the waters [tidal water] of this state for pay or for the purpose of sale, barter, or exchange.

SECTION 5. Section 47.001, Parks and Wildlife Code, as amended, is amended by adding Subdivisions (12), (13), and (14) to read as follows:

(12) "Resident" means an individual, other than an alien, who has been a resident of this state for more than six months immediately before applying for a license from the department.

(13) "Nonresident" means an individual who is not a resident.

(14) "Finfish" means those living natural resources having either cartilaginous or bony skeletons (Chondrichthyes and Osteichthyes).

SECTION 6. Section 47.002, Parks and Wildlife Code, is amended to read as follows:

Sec. 47.002. **GENERAL COMMERCIAL FISHERMAN'S LICENSE.** (a) No person may engage in business as a commercial fisherman unless he has obtained a general commercial fisherman's license.

(c) The license fee for a nonresident general commercial fisherman's license is the amount that a Texas resident is charged in the state in which the nonresident is residing for a similar license or \$20, whichever amount is the larger. The department shall publish a list of nonresident fees according to the fees of each state and may alter the fee amounts in the list before September 1 of each year for the remainder of that license year. Twenty-five cents of the fee may be retained by the issuing agent, except an employee of the department.

SECTION 7. Section 47.003, Parks and Wildlife Code, is amended to read as follows:

Sec. 47.003. ~~[TIDAL WATER]~~ COMMERCIAL FINFISH FISHERMAN'S LICENSE. (a) No person may engage in business as a ~~[tidal water]~~ commercial finfish fisherman unless he has obtained a ~~[tidal water]~~ commercial finfish fisherman's license.

(b) ~~[No person may catch or assist in catching menhaden in tidal water unless he has obtained a tidal water commercial fisherman's license.]~~

[(e)] The license fee for a resident ~~[the tidal water]~~ commercial finfish fisherman's license is \$50 (Fifty Dollars). Twenty-five ~~[\$5. Fifteen]~~ cents of the fee may be retained by the issuing agent, except an employee of the department.

(c) The license fee for a nonresident commercial finfish fisherman's license is the amount that a Texas resident is charged in the state in which the nonresident is residing for a similar license or \$100, whichever amount is larger. The department shall publish a list of nonresident fees according to the fees of each state and may alter the fee amounts in the list before September 1 of each year for the remainder of that license year. Twenty-five cents of the fee may be retained by the issuing agent, except an employee of the department.

(d) No person may be issued a commercial finfish fisherman's license unless the person files with the department at the time he applies for the license an affidavit containing statements that:

(1) not less than 50 percent of the applicant's gainful employment is devoted to commercial fishing;

(2) the applicant is not employed at any full-time occupation other than commercial fishing; and

(3) during the period of validity of the commercial finfish fisherman's license the applicant does not intend to engage in any full-time occupation other than commercial fishing.

(e) The department shall revoke a commercial finfish fisherman's license if;

(1) the holder engages in any full-time employment other than commercial fishing;

(2) the affidavit required by this section contains a false statement; or

(3) the holder violates any law or regulation of the commission more than one time providing for the conservation and protection of finfish and the holder is convicted of the violations by a proper court within a period of two years.

(f) If any person executes and files with the department an affidavit under this section that contains a false statement knowingly made by the person, the department shall revoke each fishing license held by the person at the time the determination is made.

SECTION 8. Section 77.040(b), Parks and Wildlife Code, is amended to read as follows:

(b) The captain and each paid member of the crew of a boat having a commercial shrimp boat license issued under this subchapter must have a general ~~[tidal water]~~ commercial fisherman's license issued under Section 47.002 ~~[47.003]~~ of this code, but these licenses may be purchased in the name of the vessel. The license form provided by the department for a vessel may be a single license covering the number of persons licensed as captain and crew, and the fee for the total number of persons licensed is the amount provided in Section 47.002 of this code times the number of persons comprising the captain and crew.

SECTION 9. Section 47.018, Parks and Wildlife Code, is amended to read as follows:

Section 47.018. INTERSTATE TRANSPORTATION.

(a) No person may bring into this state aquatic products for the purpose of offering them for sale unless he has obtained a license issued under this subchapter. Aquatic products caught in another state may not be sold under a general commercial fisherman's license[.] , commercial finfish fisherman's license, or a commercial red drum license.

(b) Aquatic products lawfully taken from the waters of another state may be sold within this state by licensed dealers without regard to size limitations imposed on such products taken within this state. A record of the source and disposition of such under or over size products shall be maintained by the dealer for as long as the under or over size products are retained and for at least thirty days thereafter.

Amend the caption to conform.

SECTION 10. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

SCHWARTZ
WILLIAMS

The amendment was read and was adopted.

On motion of Senator Schwartz and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

RECORD OF VOTES

Senators Patman and Brooks asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 580 ON THIRD READING

Senator Schwartz moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 580** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 2.

Yeas: Blake, Braecklein, Clower, Creighton, Doggett, Farabee, Harris, Howard, Jones of Harris, Kothmann, Longoria, Mauzy, Meier, Mengden, Ogg, Parker, Price, Santiesteban, Schwartz, Short, Traeger, Truan, Vale, Williams.

Nays: Brooks, Patman.

Absent: Andujar, McKnight, Moore, Snelson.

Absent-excused: Jones of Taylor.

The bill was read third time and was passed.

RECORD OF VOTES

Senators Patman and Brooks asked to be recorded as voting "Nay" on the final passage of the bill.

SENATE BILL 1251 ON SECOND READING

Senator Traeger asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

S.B. 1251, Relating to the authority of the governor to transfer programs of certain offices and agencies to other agencies. (Submitted by Governor as an emergency)

There was objection.

Senator Traeger then moved to suspend the regular order of business and take up **S.B. 1251** for consideration at this time.

The motion prevailed by the following vote: Yeas 23, Nays 4.

Yeas: Blake, Braecklein, Clower, Creighton, Doggett, Farabee, Harris, Howard, Jones of Harris, Kothmann, Longoria, Meier, Mengden, Ogg, Parker, Patman, Price, Schwartz, Short, Traeger, Truan, Vale, Williams.

Nays: Brooks, Mauzy, Santiesteban, Snelson.

Absent: Andujar, McKnight, Moore.

Absent-excused: Jones of Taylor.

The bill was read second time.

Senator Traeger offered the following committee amendment to the bill:

Amend **S.B. 1251** by deleting item (20) under Section 1, line 4, page 2 and renumbering the following items accordingly.

The committee amendment was read and was adopted.

Senator Traeger offered the following amendment to the bill:

Amend **S.B. 1251** by deleting Section 4(b) in its entirety and substituting in its place the following:

(b) The contract shall include provisions for:

(1) transferring all the funding for the program; and

(2) transferring the personnel, records, and equipment necessary to support the program in the new agency.

The contract may include provisions for:

(1) subcontracting the administration of all or part of the program to regional councils of government or political subdivisions;

(2) performance of auditing and post-auditing;

- (3) legal services; and
- (4) any other matter the governor considers necessary to insure efficient and effective administration of the program.

The amendment was read and was adopted.

Senator Brooks offered the following amendment to the bill:

Amend **S.B. 1251** by striking item (4) on line 20 of the printed bill and renumbering subsequent items accordingly.

The amendment was read and was adopted.

On motion of Senator Traeger and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

RECORD OF VOTE

Senator Mauzy asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

SENATOR ANNOUNCED PRESENT

Senator Jones of Taylor who had previously been recorded as "Absent-Excused" was announced "Present".

MOTION TO PLACE SENATE BILL 1251 ON THIRD READING

Senator Traeger moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 1251** be placed on its third reading and final passage.

The motion was lost by the following vote (Not receiving four-fifths vote of the Members of the Senate present): Yeas 18, Nays 9.

Yeas: Blake, Braecklein, Creighton, Farabee, Howard, Jones of Taylor, Kothmann, Meier, Mengden, Moore, Ogg, Parker, Patman, Price, Santiesteban, Short, Traeger, Vale.

Nays: Brooks, Clower, Doggett, Jones of Harris, Longoria, Mauzy, Schwartz, Truan, Williams.

Absent: Andujar, Harris, McKnight, Snelson.

MOTION TO PLACE SENATE BILL 1118 ON SECOND READING

Senator Ogg asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

S.B. 1118, Relating to the creation of residential, commercial or industrial subdivisions of land lying within ten miles of the boundary of a duly incorporated city or town of this state; providing for the filing of a subdivision plat; the designation of operating sites for use by Possessory Mineral Interest owners; etc.

There was objection.

Senator Ogg then moved to suspend the regular order of business and take up **S.B. 1118** for consideration at this time.

(President in Chair)

The motion was lost by the following vote (Not receiving two-thirds vote of the Members of the Senate present): Yeas 15, Nays 12.

Yeas: Blake, Brooks, Clower, Farabee, Harris, Jones of Harris, Kothmann, Longoria, Meier, Ogg, Parker, Price, Schwartz, Truan, Williams.

Nays: Braecklein, Creighton, Doggett, Howard, Mauzy, Mengden, Patman, Santiesteban, Short, Snelson, Traeger, Vale.

Absent: Andujar, Jones of Taylor, McKnight, Moore.

MESSAGE FROM THE HOUSE

House Chamber
May 14, 1979

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I AM DIRECTED BY THE HOUSE TO INFORM THE SENATE THAT THE HOUSE HAS PASSED THE FOLLOWING:

HB 1456, A bill to be entitled An Act relating to the conduct of local option alcoholic beverage elections.

HB 1890, A bill to be entitled An Act amending the Lower Colorado River Authority Act, Chapter 7, Acts of the 43rd Legislature, 4th Called Session, 1934, as amended (Article 8280-107, Vernon's Texas Civil Statutes), by adding a new Section 18A; relating to the authority which may be exercised by the Lower Colorado River Authority with regard to certain property; and declaring an emergency.

HB 1925, A bill to be entitled An Act relating to the requirement of fire detection and fire alarm systems in certain buildings.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

SENATE BILL 1232 ON SECOND READING

On motion of Senator Schwartz and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1232, Relating to validation of the incorporation, boundaries, and governmental acts and proceedings of certain municipalities.

The bill was read second time and was passed to engrossment.

RECORD OF VOTE

Senator Mauzy asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

SENATE BILL 1232 ON THIRD READING

Senator Schwartz moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 1232** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 21, Nays 3.

Yeas: Blake, Braecklein, Brooks, Doggett, Harris, Kothmann, Longoria, Meier, Mengden, Ogg, Parker, Patman, Price, Santicsteban, Schwartz, Short, Snelson, Traeger, Truan, Vale, Williams.

Nays: Clower, Howard, Mauzy.

Absent: Andujar, Creighton, Farabee, Jones of Harris, Jones of Taylor, McKnight, Moore.

The bill was read third time and was passed by the following vote: Yeas 21, Nays 3. (Same as previous roll call)

SENATE BILL 929 ON SECOND READING

On motion of Senator Truan and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 929, Relating to the validation of the adoption of and operation under a municipal home-rule charter.

The bill was read second time and was passed to engrossment.

RECORD OF VOTE

Senator Mauzy asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

SENATE BILL 929 ON THIRD READING

Senator Truan moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 929** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 21, Nays 3.

Yeas: Blake, Braecklein, Brooks, Doggett, Harris, Kothmann, Longoria, Meier, Mengden, Ogg, Parker, Patman, Price, Santiesteban, Schwartz, Short, Snelson, Traeger, Truan, Vale, Williams.

Nays: Clower, Howard, Mauzy.

Absent: Andujar, Creighton, Farabee, Jones of Harris, Jones of Taylor, McKnight, Moore.

The bill was read third time and was passed by the following vote: Yeas 22, Nays 3.

Yeas: Blake, Braecklein, Brooks, Doggett, Harris, Jones of Harris, Kothmann, Longoria, Meier, Mengden, Ogg, Parker, Patman, Price, Santiesteban, Schwartz, Short, Snelson, Traeger, Truan, Vale, Williams.

Nays: Clower, Howard, Mauzy.

Absent: Andujar, Creighton, Farabee, Jones of Taylor, McKnight, Moore.

SENATE BILL 1269 ON SECOND READING

On motion of Senator Truan and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1269, Relating to a Foster Grandparent Program administered by the Governor's Committee on Aging.

The bill was read second time and was passed to engrossment.

SENATE BILL 1269 ON THIRD READING

Senator Truan moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 1269** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 0.

Absent: Andujar, Creighton, Farabee, Jones of Taylor, McKnight, Moore, Price.

The bill was read third time and was passed by the following vote: Yeas 25, Nays 0.

Absent: Creighton, Farabee, Jones of Taylor, McKnight, Moore, Price.

COMMITTEE SUBSTITUTE SENATE BILL 794 ON SECOND READING

On motion of Senator Vale and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 794, Providing legislation to encourage the use of solar and wind energy; relating to solar easements; providing for penalties; amending Section 3, Chapter 283, Acts of the 40th Legislature, Regular Session, 1927 (Article 1011c, Vernon's Texas Civil Statutes); adding Section 36 to Article 1175, Revised Civil Statutes of Texas, 1925, as amended; amending Chapter 231, Acts of the 40th Legislature, Regular Session, 1927, as amended (Article 974a, Vernon's Texas

Civil Statutes), by amending Section 4 and adding Section 4a; amending the Public Utility Regulatory Act (Article 1446c, Vernon's Texas Civil Statutes) by amending Sections 3(c), 38, and 39, by adding Subsections (u) through (y) to Section 3, and by adding a new Section 28A; amending the Energy Conservation in Buildings Act (Article 678i, Vernon's Texas Civil Statutes); setting forth and adding the Solar Device Installers Licensing Act of 1979 to the Revised Civil Statutes of Texas, 1925, as amended, as Article 6243-102; and declaring an emergency.

The bill was read second time and was passed to engrossment.

**COMMITTEE SUBSTITUTE SENATE BILL 794
ON THIRD READING**

Senator Vale moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 794** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent: Jones of Taylor, McKnight, Moore.

The bill was read third time and was passed.

SENATE BILL 803 ON SECOND READING

On motion of Senator Jones of Taylor and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 803, Relating to regulation of the ownership of managing general agents in the insurance business.

The bill was read second time and was passed to engrossment.

SENATE BILL 803 ON THIRD READING

Senator Jones of Taylor moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 803** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 0.

Absent: Creighton, Farabee, Harris, McKnight, Moore.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 0.

Absent: Creighton, Farabee, McKnight, Moore.

HOUSE BILL 726 ON SECOND READING

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 726, Relating to air quality control.

The bill was read second time.

Senator Brooks offered the following amendment to the bill:

Amend House Bill 726 by deleting Section 7 and renumbering the following sections accordingly.

BROOKS
JONES OF HARRIS
SCHWARTZ
DOGGETT

The amendment was read and was adopted.

On motion of Senator Brooks and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

HOUSE BILL 726 ON THIRD READING

Senator Brooks moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 726** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 4.

Yeas: Andujar, Blake, Braecklein, Brooks, Clower, Doggett, Harris, Howard, Jones of Harris, Kothmann, Longoria, Mauzy, Meier, Mengden, Ogg, Parker, Patman, Santiesteban, Schwartz, Short, Snelson, Traeger, Truan, Vale, Williams.

Nays: Creighton, Farabee, Jones of Taylor, Price.

Absent: McKnight, Moore.

The bill was read third time and was passed by the following vote: Yeas 25, Nays 4. (Same as previous roll call)

SENATE BILL 89 ON SECOND READING

On motion of Senator Doggett and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 89, Relating to the modification of orders or decrees in suits affecting the parent-child relationship.

The bill was read second time and was passed to engrossment.

RECORD OF VOTE

Senator Creighton asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

SENATE BILL 89 ON THIRD READING

Senator Doggett moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 89** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 2.

Yeas: Andujar, Blake, Braecklein, Brooks, Clower, Doggett, Harris, Howard, Jones of Harris, Kothmann, Longoria, Mauzy, Meier, Mengden, Ogg, Parker, Patman, Price, Santiesteban, Schwartz, Short, Snelson, Traeger, Truan, Vale, Williams.

Nays: Creighton, Farabee.

Absent: Jones of Taylor, McKnight, Moore.

The bill was read third time and was passed by the following vote: Yeas 26, Nays 2. (Same as previous roll call)

SENATE BILL 1275 ON SECOND READING

Senator Howard moved to suspend the regular order of business to take up for consideration at this time:

S.B. 1275, Providing for the creation and administration of development corporations to carry out certain public purposes of cities, counties and certain other political subdivisions relating to the promotion and development of commercial, industrial, manufacturing, medical, and research enterprises to promote and encourage employment, public health and the public welfare; etc., and declaring an emergency.

The motion prevailed by the following vote: Yeas 23, Nays 3.

Yeas: Andujar, Blake, Braecklein, Brooks, Clower, Farabee, Harris, Howard, Jones of Harris, Kothmann, Longoria, Meier, Mengden, Ogg, Parker, Patman, Price, Santiesteban, Short, Snelson, Traeger, Truan, Williams.

Nays: Doggett, Mauzy, Vale.

Absent: Creighton, Jones of Taylor, McKnight, Moore, Schwartz.

The bill was read second time.

Senator Howard offered the following amendment to the bill:

Amend S.B. No. 1275 by striking all below the enacting clause and substituting the following:

SECTION 1. This Act may be cited as the "Development Corporation Act of 1979."

SECTION 2. Wherever used in this Act unless a different meaning clearly appears in the context, the following terms, whether singular or plural, shall mean as follows:

(1) "Board of directors" shall mean the board of directors of any corporation organized pursuant to the provisions of this Act.

(2) "Commission" shall mean the Texas Industrial Commission.

(3) "Corporation" shall mean any industrial development corporation or medical development corporation organized pursuant to the provisions of this Act.

(4) "Cost" as applied to a project or medical research project shall mean and embrace the cost of acquisition, construction, reconstruction, improvement, and expansion, including the cost of the acquisition of all land, rights-of-way, property rights, easements, and interests, the cost of all machinery and equipment, financing charges, interest prior to and during construction and for one year after completion of construction whether or not capitalized, necessary reserve funds, cost of estimates and of engineering and legal services, plans, specifications, surveys, estimates of cost and of revenue, other expenses necessary or incident to determining the feasibility and practicability of acquiring, constructing, reconstructing, improving, and expanding any such project or medical research project, administrative expense and such other expense as may be necessary or incident to the acquisition, construction, reconstruction, improvement, and expansion thereof, the placing of the same in operation, and the financing or refinancing of any such project or medical research project, including the refunding of any outstanding obligations, mortgages, or advances issued, made or given by any person for any of the aforementioned costs.

(5) "City" shall mean any municipality of the state incorporated under the provisions of (i) any general or special law or (ii) the home-rule amendment to the constitution.

(6) "County" shall mean a political subdivision of the state created and established under Article IX, Section 1, of the Texas Constitution.

(7) "District" shall mean a conservation and reclamation district established under authority of Article XVI, Section 59, of the Texas Constitution.

(8) "Governing body" shall mean the board, council, commission, commissioners court, or legislative body of the unit.

(9) "Industrial development corporation" shall mean a corporation created and existing under the provisions of this Act as a constituted authority for the purpose of financing one or more projects.

(10) "Medical development corporation" shall mean a corporation created and existing under the provisions of this Act as a constituted authority for the purpose of financing one or more medical research projects.

(11) "Medical research project" shall mean the land, buildings, equipment, facilities, and improvements (one or more) found by the board of directors to be required for medical research, irrespective of whether in existence or required to be acquired or constructed after the making of such finding by the board of directors.

(12) "Project" shall mean the land, buildings, equipment, facilities, and improvements (one or more) found by the board of directors to be required or suitable for the promotion of commercial or industrial development and expansion, the promotion of employment, or for use by commercial, manufacturing, or industrial enterprises, irrespective of whether in existence or required to be acquired or constructed after the making of such findings by the board of directors.

(13) "Resolution" shall mean the resolution, order, ordinance, or other official action by the governing body of a unit.

(14) "Unit" shall mean a city, county, or district which may create and utilize a corporation.

SECTION 3. It is hereby found, determined, and declared:

(1) that the present and prospective health, safety, right to gainful employment, and general welfare of the people of this state require as a public purpose the promotion and development of a new and expanded commercial, industrial, manufacturing, medical, and research enterprises;

(2) that the existence, development, and expansion of commerce and industry are essential to the economic growth of the state and to the full employment, welfare, and prosperity of its citizens;

(3) that the means and measures authorized by this Act and the assistance provided in this Act, especially with respect to financing, are in the public interest and serve a public purpose of the state in promoting the health, welfare, and safety of the citizens of the state, not only physically by encouraging medical research but also economically by the securing and retaining of private industrial, commercial, manufacturing, and other enterprises and the resulting maintenance of a higher level of employment, economic activity, and stability;

(4) that community industrial development corporations in Texas have themselves invested substantial funds in successful industrial development projects and have experienced difficulty in undertaking such additional projects by reason of the partial inadequacy of their own funds or funds potentially available from local subscription sources and by reason of limitations of local financial institutions in providing additional and sufficiently sizable first mortgage loans; and

(5) that communities in this state are at a critical disadvantage in competing with communities in other states for the location or expansion of such enterprises by virtue of the availability and prevalent use in all other states of financing and other special incentives; therefore, the issuance of revenue bonds by corporations on behalf of political subdivisions of the state as hereinafter provided for the promotion and development of new and expanded commercial, industrial, manufacturing, medical, and research enterprises to provide and encourage employment, public health, and the public welfare is hereby declared to be in the public interest and a public purpose.

This Act shall be liberally construed in conformity with the intention of the legislature herein expressed.

SECTION 4. Any number of natural persons, not less than three, each of whom is at least 18 years of age and a qualified elector of the unit may file with the governing body of a unit a written application requesting that the unit authorize and approve creation of a corporation to act on behalf of the unit. If the governing body by appropriate resolution finds and determines that it is advisable that the corporation be authorized and created and approves the articles of incorporation proposed to be used in organizing the corporation, then the articles of incorporation for the corporation may be filed as hereinafter provided. A unit may authorize and approve creation of one or more corporations, provided that the resolution approving the creation of each corporation shall specify the public purpose or purposes of the unit which the corporation may further on behalf of the unit, which purpose or purposes shall be limited to the promotion and development of commercial, industrial, manufacturing, and medical research enterprises to promote and encourage employment, public health, and the public welfare. No corporation may be formed unless the unit has properly adopted a resolution as herein described.

SECTION 5. The corporation shall be a nonmember, nonstock corporation.

SECTION 6. The articles of incorporation shall set forth:

- (1) the name of the corporation;
- (2) a statement that the corporation is a nonprofit corporation;

- (3) the period of duration which may be perpetual;
- (4) the specific purpose or purposes for which the corporation is organized and may issue bonds on behalf of the unit;
- (5) that the corporation has no members and is a nonstock corporation;
- (6) any provision not inconsistent with law, including any provision which under this Act is required or permitted to be set forth in the bylaws, for the regulation of the internal affairs of the corporation;
- (7) the street address of its initial registered office and the name of its initial registered agent at such street address;
- (8) the number of directors constituting the initial board of directors and the names and addresses of the persons who are to serve as the initial directors;
- (9) the name and street address of each incorporator; and
- (10) a recital that the unit has specifically authorized the corporation by resolution to act on its behalf to further the public purpose or purposes stated in the resolution and in the articles of incorporation and has approved the articles of incorporation.

SECTION 7. (a) Triplicate originals of the articles of incorporation shall be delivered to the secretary of state. If the secretary of state finds that the articles of incorporation conform to the requirements of this Act, he shall, when a fee of \$25 has been paid:

- (1) endorse on each original the word "Filed" and the month, day, and year of the filing thereof;
- (2) file one of such originals in his office; and
- (3) issue two certificates of incorporation to each of which he shall affix one of such originals.

(b) A certificate of incorporation together with an original of the articles of incorporation affixed thereto by the secretary of state shall be delivered to the incorporators or their representatives and to the governing body of the unit under whose auspices the corporation was created.

(c) Upon the issuance of the certificate of incorporation, the corporate existence shall begin and such certificate of incorporation shall be conclusive evidence that all conditions precedent required to be performed by the incorporators and by the unit have been complied with and that the corporation has been incorporated under this Act.

SECTION 8. Each corporation shall have and continuously maintain in this state:

- (1) a registered office which may be, but need not be, the same as its principal office; and
- (2) a registered agent, which agent may be an individual resident in this state whose business office is identical with such registered office, or a domestic corporation, whether for profit or not for profit, or a foreign corporation, whether for profit or not for profit, authorized to transact business or to conduct its affairs in this state which has a principal or business office identical with such registered office.

SECTION 9. (a) A corporation may change its registered office or change its registered agent or both upon filing in the office of the secretary of state a statement setting forth:

- (1) the name of the corporation;
- (2) the post-office address of its then registered office;
- (3) if the post-office address of its registered office is to be changed, the post-office address to which the registered office is to be changed;
- (4) the name of its then registered agent;
- (5) if its registered agent is to be changed, the name of its successor registered agent;

(6) that the post-office address of its registered office and the post-office address of the business office of its registered agent as changed will be identical; and

(7) that such change was authorized by its board of directors or by an officer of the corporation so authorized by the board of directors.

(b) Duplicate originals of such statement shall be executed by the corporation by its president or vice-president and verified by him and delivered to the secretary of state. If the secretary of state finds that such statement conforms to the requirements of this Act, he shall, when a fee of \$25 has been paid:

(1) endorse on each of such originals the word "Filed" and the month, day, and year of the filing thereof;

(2) file one of such originals in his office; and

(3) return the other original to the corporation or its representative.

(c) Upon such filing, the change of address of the registered office or the appointment of a new registered agent or both, as the case may be, shall become effective.

(d) Any registered agent of a corporation may resign:

(1) by giving written notice to the corporation at its last known address; and

(2) by giving written notice in triplicate to the secretary of state within 10 days after mailing or delivery of said notice to the corporation.

Such notice shall include the last known address of the corporation and shall include the statement that written notice of resignation has been given to the corporation and the date thereof. Upon compliance with the requirements as to written notice, the appointment of such agent shall terminate upon the expiration of 30 days after receipt of such notice by the secretary of state.

(e) If the secretary of state finds that such written notice conforms to the provisions of this Act, he shall:

(1) endorse on each of such originals the word "Filed" and the month, day, and year of the filing thereof;

(2) file one of such originals in his office;

(3) return one original to such resigning registered agent; and

(4) return one original to the corporation at the last known address of the corporation as shown in such written notice.

SECTION 10. (a) The president and all vice-presidents of the corporation and the registered agent of the corporation shall be agents of such corporation upon whom any process, notice, or demand required or permitted by law to be served upon the corporation may be served.

(b) Whenever a corporation shall fail to appoint or maintain a registered agent in this state or whenever its registered agent cannot with reasonable diligence be found at the registered office, then the secretary of state shall be an agent of such corporation upon whom any such process, notice, or demand may be served. Service on the secretary of state of any process, notice, or demand shall be made by delivering to and leaving with him or with the assistant secretary of state or with any clerk having charge of the corporation department of his office duplicate copies of such process, notice, or demand. In the event any such process, notice, or demand is served on the secretary of state, he shall immediately cause one of the copies thereof to be forwarded by registered mail, addressed to the corporation at its registered office. Any service so had on the secretary of state shall be returnable in not less than 30 days.

(c) The secretary of state shall keep a record of all processes, notices, and demands served upon him under this article and shall record therein the time of such service and his action with reference thereto.

SECTION 11. The corporation shall have a board of directors in which all powers of the corporation shall be vested and which shall consist of any number of directors, not less than three, each of whom shall be appointed by the governing body of the unit under whose auspices the corporation was created for a term of no more than six years, and each of whom shall be removable by the unit for cause or at will. The directors shall serve as such without compensation except that they shall be reimbursed for their actual expenses incurred in the performance of their duties hereunder.

SECTION 12. After the issuance of the certificate of incorporation, an organizational meeting of the board of directors named in the articles of incorporation shall be held within this state for the purpose of adopting bylaws, electing officers, and for such other purposes as may come before the meeting. The incorporators calling the meeting shall give at least three days' notice thereof by mail to each director named in the articles of incorporation, which notice shall state the time and place of the meeting.

SECTION 13. The initial bylaws of a corporation shall be adopted by its board of directors and approved by resolution of the governing body of the unit under whose auspices the corporation was created.

SECTION 14. (a) A quorum for the transaction of business by the board of directors shall be whichever is less:

(1) a majority of the number of directors fixed by the bylaws or in the absence of a bylaw fixing the number of directors a majority of the number of directors stated in the articles of incorporation; or

(2) any number, not less than three, fixed as a quorum by the articles of incorporation or the bylaws.

(b) The act of the majority of the directors present at a meeting at which a quorum is present shall be the act of the board of directors, unless the act of a greater number is required by the articles of incorporation or the bylaws.

(c) Any action required by this Act to be taken at a meeting of the directors of a corporation or any action which may be taken at a meeting of the directors may be taken without a meeting if a consent in writing, setting forth the action to be taken, shall be signed by all of the directors. Such consent shall have the same force and effect as a unanimous vote and may be stated as such in any articles or document filed with the secretary of state under this Act.

SECTION 15. (a) The corporation shall have the power to indemnify any director or officer or former director or officer of the corporation for expenses and costs (including attorneys' fees) actually and necessarily incurred by him in connection with any claim asserted against him by action in court or otherwise by reason of his being or having been such director or officer, except in relation to matters as to which he shall have been guilty of negligence or misconduct in respect of the matter in which indemnity is sought.

(b) If the corporation has not fully indemnified him, the court in the proceeding in which any claim against such director or officer has been asserted or any court having the requisite jurisdiction of an action instituted by such director or officer on his claim for indemnity may assess indemnity against the corporation, its receiver, or trustee for the amount paid by such director or officer (including attorneys' fees) in satisfaction of any judgment or in compromise of any such claim (exclusive in either case of any amount paid to the corporation), actually and necessarily incurred by him in connection therewith to the extent that the court shall deem reasonable and equitable; provided, nevertheless, that indemnity may be assessed under this section only if the court finds that the person indemnified was not guilty of negligence or misconduct in respect of the matter in which indemnity is sought.

(c) Regular meetings of the board of directors may be held within the state with or without notice as prescribed in the bylaws. Special meetings of the board of directors shall be held upon such notice as is prescribed in the bylaws. Attendance of a director at a meeting shall constitute a waiver of notice of such meeting, except where a director attends a meeting for the express purpose of objecting to the transaction of any business on the ground that the meeting is not lawfully called or convened. Neither the business to be transacted at nor the purpose of any regular or special meeting of the board of directors need be specified in the notice or waiver of notice of such meeting, unless required by the bylaws.

(d) Whenever any notice is required to be given to any member or director of a corporation under the provisions of this Act or under the provisions of the articles of incorporation or bylaws of the corporation, a waiver thereof in writing signed by the person or persons entitled to such notice, whether before or after the time stated therein, shall be equivalent to the giving of such notice.

SECTION 16. The officers of a corporation shall consist of a president, one or more vice-presidents, a secretary, a treasurer, and such other officers and assistant officers as may be deemed necessary, each of whom shall be elected or appointed at such time and in such manner and for such terms not exceeding three years as may be prescribed in the articles of incorporation or the bylaws. In the absence of any such provisions, all officers shall be elected or appointed annually by the board of directors.

SECTION 17. (a) The articles of incorporation may at any time and from time to time be amended, provided that the board of directors files with the governing body of the unit under whose auspices the corporation was created a written application requesting that the unit approve such amendment to the articles of incorporation, specifying in such application the amendment or amendments proposed to be made. If the governing body by appropriate resolution finds and determines that it is advisable that the proposed amendment be made, authorizes the same to be made, and approves the form of the proposed amendment, the board of directors shall proceed to amend the articles as hereinafter provided.

(b) The articles of incorporation may also be amended at any time by the governing body of the unit under whose auspices the corporation was created at its sole discretion by adopting an amendment to the articles of incorporation of the corporation by resolution of such governing body and delivering the articles of amendment to the secretary of state as hereinafter provided.

SECTION 18. The articles of amendment shall be executed in duplicate by the corporation by its president or by a vice-president and by its secretary or an assistant secretary or by the presiding officer and the secretary or clerk of the governing body of the unit under whose auspices the corporation was created, shall be verified by one of the officers signing such articles, and shall set forth:

- (1) the name of the corporation;
- (2) if the amendment alters any provision of the original or amended articles of incorporation, an identification by reference or description of the altered provision and a statement of its text as it is amended to read; if the amendment is an addition to the original or amended articles of incorporation, a statement of that fact and the full text of each provision added; and
- (3) the fact that such amendment was adopted or approved by the governing body of the unit and the date of the meeting at which the amendment was adopted or approved by such governing body.

SECTION 19. (a) Triplicate originals of the articles of amendment shall be delivered to the secretary of state. If the secretary of state finds that the articles of amendment conform to the requirements of this Act, he shall, when a fee of \$25 has been paid:

- (1) endorse on each of such originals the word "Filed" and the month, day, and year of the filing thereof;
- (2) file one of such originals in his office; and
- (3) issue two certificates of amendment to each of which he shall affix an original.

(b) A certificate of amendment together with an original of the articles of amendment affixed thereto by the secretary of state shall be delivered to the corporation or its representative and to the governing body of the unit under whose auspices the corporation was created.

(c) Upon the issuance of the certificate of amendment by the secretary of state, the amendment shall become effective and the articles of incorporation shall be deemed to be amended accordingly.

(d) No amendment shall affect any existing cause of action in favor of or against such corporation or any pending suit to which such corporation shall be a party or the existing rights of persons other than members; and in the event the corporate name shall be changed by amendment, no suit brought by or against such corporation under its former name shall abate for that reason.

SECTION 20. (a) A corporation may, by following the procedure to amend the articles of incorporation provided by this Act including obtaining the approval of the governing body of the unit under whose auspices the corporation was created, authorize, execute, and file restated articles of incorporation which may restate either:

(1) the entire text of the articles of incorporation as amended or supplemented by all certificates of amendment previously issued by the secretary of state; or

(2) the entire text of the articles of incorporation as amended or supplemented by all certificates of amendment previously issued by the secretary of state and as further amended by such restated articles of incorporation.

(b) If the restated articles of incorporation restate the entire articles of incorporation as amended and supplemented by all certificates of amendment previously issued by the secretary of state without making any further amendment thereof, the introductory paragraph shall contain a statement that the instrument accurately copies the articles of incorporation and all amendments thereto that are in effect to date and that the instrument contains no change in the provisions thereof, provided that the number of directors then constituting the board of directors and the names and addresses of the persons then serving as directors may be inserted in lieu of similar information concerning the initial board of directors, and the name and address of each incorporator may be omitted.

(c) If the restated articles of incorporation restate the entire articles of incorporation as amended and supplemented by all certificates of amendment previously issued by the secretary of state and as further amended by such restated articles of incorporation, the instrument containing such articles shall:

(1) set forth for any amendment made by such restated articles of incorporation a statement that each such amendment has been effected in conformity with the provisions of this Act and shall further set forth the statements required by this Act to be contained in articles of amendment, provided that the full text of such amendments need not be set forth except in the restated articles of incorporation as so amended;

(2) contain a statement that the instrument accurately copies the articles of incorporation and all amendments thereto that are in effect to date and as further amended by such restated articles of incorporation and that the instrument contains no other change in any provision thereof; provided that the number of directors then constituting the board of directors and the names and

addresses of the persons then serving as directors may be inserted in lieu of similar information concerning the initial board of directors, and the names and addresses of each incorporator may be omitted; and

(3) restate the text of the entire articles of incorporation as amended and supplemented by all certificates of amendment previously issued by the secretary of state and as further amended by the restated articles of incorporation.

(d) Such restated articles of incorporation shall be executed in triplicate by the corporation by its president or a vice-president and by its secretary or an assistant secretary and shall be verified by one of the officers signing such articles. Triplicate originals of the restated articles of incorporation shall be delivered to the secretary of state. If the secretary of state finds that the restated articles of incorporation conform to law, he shall, when a fee of \$25 has been paid:

(1) endorse on each of such originals the word "Filed" and the month, day, and year of the filing thereof;

(2) file one of such originals in his office; and

(3) issue two restated certificates of incorporation to each of which he shall affix one of such originals.

(e) A restated certificate of incorporation together with a triplicate original of the restated articles of incorporation affixed thereto by the secretary of state shall be delivered to the corporation or its representative and to the governing body of the unit under whose auspices the corporation was created.

(f) Upon the issuance of the restated certificate of incorporation by the secretary of state, the original articles of incorporation and all amendments thereto shall be superseded and the restated articles of incorporation shall be deemed to be articles of incorporation of the corporation.

SECTION 21. Every unit is hereby authorized to utilize a corporation to issue obligations on its behalf to finance the cost of projects or medical research projects to promote and develop commercial, industrial, manufacturing, medical, and research enterprises to promote and encourage employment, the public health, and the public welfare. No unit is or shall be authorized to lend its credit or grant any public money or thing of value in aid of a corporation. The unit will approve all programs and expenditures of the corporation and annually review any financial statements of the corporation, and at all times the unit will have access to the books and records of the corporation.

SECTION 22. Bonds issued under the provisions of this Act shall be deemed not to constitute a debt of the state, of the unit, or of any other political corporation, subdivision, or agency of this state or a pledge of the faith and credit of any of them, but such bonds shall be payable solely from the funds herein provided therefor from revenues. All such revenue bonds shall contain on the face thereof a statement to the effect that neither the state, the unit, nor any political corporation, subdivision, or agency of the state shall be obligated to pay the same or the interest thereon and that neither the faith and credit nor the taxing power of the state, the unit, or any other political corporation, subdivision, or agency thereof is pledged to the payment of the principal of or the interest on such bonds. The corporation shall not be authorized to incur financial obligations which cannot be paid from proceeds of the obligations or from revenues realized from the lease or sale of a project or medical research project or realized from a loan made by the corporation to finance or refinance in whole or in part a project or a medical research project. The corporation when established and created pursuant to the terms of the Act shall be a constituted authority and an instrumentality (within the meaning of those terms in the regulations of the treasury and the rulings of the Internal Revenue Service prescribed and promulgated pursuant to Section 103 of the Internal Revenue

Code of 1954, as amended) and shall be authorized to act on behalf of the unit under whose auspices it is created for the specific public purpose or purposes authorized by such unit; but the corporation is not intended to be and shall not be a political subdivision or a political corporation within the meaning of the constitution and the laws of the state, including without limitation Article III, Section 52, of the Texas Constitution, and a unit shall never delegate to a corporation any of such unit's attributes of sovereignty, including the power to tax, the power of eminent domain, and the police power.

SECTION 23. (a) In addition to the powers granted to such corporations elsewhere in the laws of Texas that are necessary for the corporation to achieve its purposes, the corporation shall have the following powers with respect to projects and medical research projects together with all powers incidental thereto or necessary for the performance of those hereinafter stated:

(1) to acquire, whether by construction, devise, purchase, gift, lease, or otherwise or any one or more of such methods and to construct, improve, maintain, equip, and furnish one or more projects and medical research projects located within the state and within or partially within the limits of the unit under whose auspices the corporation was created, or within the limits of a different unit where the governing body thereof requests the corporation to exercise its powers therein;

(2) to lease to a lessee all or any part of any project or medical research project for such rentals and upon such terms and conditions as its board of directors may deem advisable and not in conflict with the provisions of this Act;

(3) to sell by installment payments or otherwise and convey all or any part of any project or medical research project for such purchase price and upon such terms and conditions as its board of directors may deem advisable and not in conflict with the provisions of this Act;

(4) to make secured or unsecured loans for the purpose of providing temporary or permanent financing or refinancing of all or part of the cost of any project or medical research project, including the refunding of any outstanding obligations, mortgages, or advances issued, made, or given by any person for the cost of a project or medical research project; and to charge and collect interest on such loans for such loan payments and upon such terms and conditions as its board of directors may deem advisable and not in conflict with the provisions of this Act;

(5) to issue revenue bonds for the purpose of defraying all or part of the cost of any project or medical research project and to secure the payment of such bonds as provided in this Act, provided that a corporation created under the auspices of a district may not issue revenue bonds for a medical research project;

(6) as security for the payment of the principal of and interest on any revenue bonds issued and any agreements made in connection therewith, to mortgage and pledge any or all of its projects and medical research projects or any part or parts thereof, whether then owned or thereafter acquired, and to assign any mortgage and repledge any security conveyed to the corporation to secure any loan made by the corporation and to pledge the revenues and receipts therefrom;

(7) to sue and be sued, complain and defend, in its corporate name;

(8) to have a corporate seal and to use the same by causing it or a facsimile thereof to be impressed on, affixed to, or in any manner reproduced upon instruments of any nature required to be executed by its proper officers;

(9) to make and alter bylaws not inconsistent with its articles of incorporation or with the laws of this state with the approval of the unit under whose auspices the corporation was created by resolution of the governing body for the administration and regulation of the affairs of the corporation;

(10) to cease its corporate activities and terminate its existence by voluntary dissolution as provided herein; and

(11) whether included in the foregoing or not, to have and exercise all powers necessary or appropriate to effect any or all of the purposes for which the corporation is organized which powers shall be subject at all times to the control of the governing body of the unit under whose auspices the corporation was created.

(b) The corporation shall not have the power to operate any project or medical research project as a business other than as lessor, seller, or lender. The purchase and holding of mortgages, deeds of trust, or other security interests and contracting for any servicing thereof shall not be deemed the operation of a project.

SECTION 24. (a) The commission shall approve the contents of any lease, sale, or loan agreement made under this Act. The commission shall prescribe rules and regulations setting forth minimum standards for lease, sale, and loan agreements and guidelines with respect to financial responsibilities of the lessee, purchaser, or borrower under any such agreement, but in no event shall the commission approve any agreement unless it affirmatively finds the lessee, purchaser, or borrower has the business experience, financial resources, and responsibility to provide reasonable assurance that all bonds and interest thereon to be paid from or by reason of such agreement will be paid as the same become due. Appeal from any adverse ruling or decision of the commission under this subsection may be made by the corporation to the District Court of Travis County. The substantial evidence rule shall apply. Rules, regulations, and guidelines promulgated by the commission and amendments thereto shall be effective only after they have been filed with the secretary of state.

(b) The corporation may submit a transcript of proceedings in connection with the issuance of the bonds to the commission and request that the commission approve such bonds. If the commission refuses to approve such bond issue solely on the basis of law, the corporation may seek a writ of mandamus from the Supreme Court, and for this purpose the chairman of the commission shall be considered a state officer as provided in Article 1733, Revised Civil Statutes of Texas, 1925.

(c) The commission may delegate to the executive director of the commission the authority to approve a bond issue or any documents submitted as provided herein.

SECTION 25. (a) The principal of and the interest on any bonds issued by a corporation shall be payable solely from the funds provided for such payment and from the revenues of the one or more projects or medical research projects for which the bonds were authorized. The bonds of each issue shall be dated, shall bear interest at such rate or rates, shall mature at such time or times not exceeding 40 years from their date as may be determined by the board of directors, and may be made redeemable before maturity at the option of the board of directors at such price or prices and under such terms and conditions as may be fixed by the board of directors of the corporation prior to the issuance of the bonds.

(b) The board of directors shall determine the form of the bonds, including any interest coupons to be attached thereto, and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest. In cases where any officer whose signature or a facsimile of whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature for all purposes the same as if he had remained in office until such delivery. The bonds may be issued in coupon or in registered form or both as the board of directors of the

corporation may determine, and provisions may be made for the registration of any coupon bonds as to the principal alone and also as to both principal and interest and for the reconversion into coupon bonds of any bonds registered as to both principal and interest. The corporation may sell bonds at public or private sale and at an interest rate not to exceed that permitted by the constitution or laws of the state.

(c) The proceeds of the bonds of each issue shall be used solely for the payment of all or part of the cost of or for the making of a loan in the amount of all or part of the cost of the project or projects or medical research project or medical research projects for which authorized as defined herein and shall be disbursed in such manner and under such restrictions, if any, provided in the resolution authorizing the issuance of the bonds or in the trust agreement securing the same. Bond proceeds may be used to pay all costs incurred in issuing the bonds, interest on the bonds for such time as may be determined by the board of directors of the corporation, and to establish reserve funds and sinking funds for the bonds. If the proceeds of the bonds of any series issued with respect to the cost of any project or medical research project shall exceed the cost of the project or medical research project for which the same shall have been issued, the surplus shall be deposited to the credit of the sinking fund for such bonds or used to purchase bonds in the open market.

(d) Prior to the preparation of definitive bonds, the corporation may under like restrictions issue interim notes or temporary bonds with or without coupons, exchangeable for definitive bonds when such bonds shall have been executed and are available for delivery. Bonds may be issued and lease, sale, and loan agreements entered into under the provisions of this Act without obtaining the consent or approval of any department, division, commission, board, bureau, or agency of the state except as otherwise provided herein.

(e) The principal of an interest on any bonds issued by the corporation shall be secured by a pledge of the revenues and receipts derived by the corporation from the lease or sale of the project or medical research project so financed or from the loan made by the corporation with respect to the project or medical research project so financed or refinanced and may be secured by a mortgage covering all or any part of such project or medical research project, including any enlargements of and additions to such project or medical research project thereafter made. The resolution under which the bonds are authorized to be issued and any such mortgage may contain any agreements and provisions respecting the maintenance of the project or medical research project covered thereby, the fixing and collection of rents, purchase price payments or loan payments, the creation and maintenance of special funds from such revenues and the rights and remedies available in the event of default, all as the board of directors shall deem advisable and not in conflict with the provisions hereof. Each pledge, agreement, and mortgage made for the benefit or security of any of the bonds of the corporation shall continue effective until the principal of and interest on the bonds for the benefit for which the same were made have been fully paid.

(f) The governing body of the unit under whose auspices the corporation was created shall approve by written resolution any agreement to issue bonds adopted by a corporation, which agreement and resolution shall set out the amount and purpose of the bonds. Additionally, no issue of bonds, including refunding bonds, shall be sold and delivered by the corporation without a written resolution of the governing body adopted no more than 60 days prior to the date of sale of the bonds specifically approving the resolution of the corporation providing for the issuance of the bonds.

SECTION 26. Each corporation is hereby authorize to provide a resolution for the issuance of its revenue refunding bonds for the purpose of refunding any bonds then outstanding, issued on account of a project or medical research project, which shall have been issued under the provisions of this Act, including the payment of any redemption premium thereon and any interest accrued or to accrue to the date of redemption of such bonds and, if deemed advisable by the corporation, for the additional purpose of financing improvements, extensions, or enlargements to the project or the medical research project in connection with which the bonds to be refunded shall have been issued or for another project. The issuance of such bonds, the maturities and other details thereof, the rights of the holders thereof, and the rights, duties, and obligations of the corporation in respect of the same shall be governed by the provisions of this Act insofar as the same may be applicable. Within the discretion of the corporation, the refunding bonds may be issued in exchange for outstanding bonds or may be sold and the proceeds used for the purpose of redeeming outstanding bonds.

SECTION 27. Any bonds issued under the provisions of this Act may be secured by a trust agreement by and between the corporation and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or without the state. Any such trust agreement may evidence a pledge or assignment of the lease, sale, or loan revenues to be received from a lessee or purchaser of or borrower with respect to a project or medical research project for the payment of principal of and interest and any premium on such bonds as the same shall become due and payable and may provide for creation and maintenance of reserves for such purposes. Any such trust agreement or resolution providing for the issuance of such bonds may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including covenants setting forth the duties in relation to the acquisition of property and the construction, improvement, maintenance, repair, operation, and insurance of the project or medical research project in connection with which such bonds shall have been authorized, and the custody, safeguarding, and application of all money. It shall be lawful for any bank or trust company incorporated under the laws of the state which may act as depository of the proceeds of bonds or of revenues to furnish such indemnifying bonds or to pledge such securities as may be required by the corporation. Any such trust agreement may set forth the rights and remedies of the bondholders and of the trustee and may restrict the individual right of action by bondholders as is customary in trust agreements or trust indentures securing bonds and debentures of private corporations. In addition to the foregoing, any such trust agreement may contain such provisions as the corporation may deem reasonable and proper for the security of the bondholders. All expenses incurred in carrying out the provisions of any such trust agreement may be treated as a part of the cost of the operation of the project or medical research project.

SECTION 28. (a) Any agreement relating to any project or medical research project shall be for the benefit of the corporation. Any such agreement shall contain a provision that, in the event of a default in the payment of the principal of or the interest or premium on such bonds or in the performance of any agreement contained in such proceedings, mortgage, or instrument, such payment and performance may be enforced by mandamus or by the appointment of a receiver in equity with power to charge and collect rents, purchase price payments, and loan payments and to apply the revenues from the project or medical research project in accordance with such resolution, mortgage, or instrument.

(b) Any mortgage to secure bonds issued thereunder may also provide that, in the event of a default in the payment thereof or the violation of any agreement contained in the mortgage, the mortgage may be foreclosed and sold under proceedings in equity or in any other manner now or hereafter permitted by law. Such mortgage may also provide that any trustee under such mortgage or the holder of any of the bonds secured thereby may become the purchaser at any foreclosure sale if the highest bidder therefor.

SECTION 29. A corporation may grant a lessee an option to purchase all or any part of a project or medical research project when all bonds of the corporation delivered to provide such facilities have been paid or provision has been made for their final payment, provided during the time the bonds or interest thereon remains unpaid there is no failure to pay the lease rentals at the time and in the manner as the same become due, provided a payment shall be deemed paid when and as due if no event of default is declared and the payment is made within 15 calendar days of the date it was scheduled to become due. The provisions of this law are procedurally exclusive for authority to convey or grant an option to purchase, and reference to no other law shall be required.

SECTION 30. Except as limited by the provisions of this Act or as limited by the rules, regulations, and guidelines of the commission, each corporation shall have full and complete authority with respect to bonds, lease, sale, or loan agreements and the provisions thereof.

SECTION 31. Any bonds issued pursuant to this Act shall be and are hereby declared to be legal and authorized investments for banks, savings banks, trust companies, building and loan associations, savings and loan associations, insurance companies, fiduciaries, trustees, and for the sinking fund of cities, towns, villages, counties, school districts, or other political corporations or subdivisions of the State of Texas. Such bonds or notes shall be eligible to secure the deposit of any and all public funds of the State of Texas and any and all public funds of cities, towns, villages, counties, school districts, or other political corporations or subdivisions of the State of Texas; and such bonds shall be lawful and sufficient security for said deposits to the extent of their face value when accompanied by all unmatured coupons appurtenant thereto.

SECTION 32. The legislature finds, determines, and declares that the activities of a corporation created and organized under the provisions of this Act affect all the people of the unit under whose auspices it is created by assuming to a material extent that which might otherwise become the obligation or duty of such unit, and therefore such corporation is an institution of purely public charity within the tax exemption of Article VIII, Section 2, of the Texas Constitution. Accordingly, the corporation, all properties at any time owned by it, the income therefrom, and all bonds issued by it, their transfer, and the income therefrom shall be exempt from all taxation by the state.

SECTION 33. The corporation shall be a nonprofit corporation, and no part of its net earnings remaining after payment of its expenses shall inure to the benefit of any individual, firm, or corporation, except that in the event the board of directors shall determine that sufficient provision has been made for the full payment of the expenses, bonds, and other obligations of the corporation, then any net earnings of the corporation thereafter accruing shall be paid to the unit under whose auspices the corporation was created.

SECTION 34. At any time the unit may in its sole discretion alter the structure, organization, programs, or activities of the corporation or terminate and dissolve the corporation, subject only to any limitation provided by the constitution and laws of the state on the impairment of contracts entered into by the corporation. Such alteration or dissolution shall be made by written resolution of the governing body of the unit and as hereinafter provided.

SECTION 35. Whenever the board of directors of the corporation by resolution shall determine that the purposes for which the corporation was formed have been substantially complied with and that all bonds theretofore issued and all obligations theretofore issued by the corporation have been fully paid, the members of the board of directors of the corporation shall, with the approval by written resolution of the unit under whose auspices the corporation was created, thereupon dissolve the corporation as hereinafter provided.

SECTION 36. (a) Articles of dissolution shall be executed in triplicate by the corporation by its president or a vice-president and by its secretary or an assistant secretary or by the presiding officer and secretary or clerk of the governing body under whose auspices the corporation was created. Triplicate originals of such articles of dissolution shall be delivered to the secretary of state. If the secretary of state finds that such articles of dissolution conform to the requirements of this Act, he shall, when a fee of \$25 has been paid:

- (1) endorse on each of such originals the word "Filed" and the month, day, and year of the filing thereof;
- (2) file one of such originals in his office; and
- (3) issue two certificates of dissolution to each of which he shall affix an original.

(b) A certificate of dissolution together with an original of the articles of dissolution affixed thereto by the secretary of state shall be returned to the representative of the dissolved corporation and to the governing body of the unit. Upon the issuance of such certificate of dissolution the existence of the corporation shall cease, except for the purpose of suits, other proceedings, and appropriate corporate action by members, directors, and officers as provided in this Act.

(c) Whenever dissolution occurs, whether instituted by the governing body unit or by the board of directors of the corporation, the dissolution proceedings shall transfer the title to all funds and properties then owned by the corporation to the unit under whose auspices the corporation was created.

SECTION 37. This Act shall be cumulative of all other laws on the subject, but this Act shall be wholly sufficient authority within itself for the creation of the corporations authorized herein and all actions by such corporations authorized hereby without reference to any other general or special laws or specific acts or any restrictions or limitations contained therein; and in any case, to the extent of any conflict or inconsistency between any provisions of this Act and any other provisions of law, this Act shall prevail and control; provided, however, any unit and any corporation shall have the right to use the provisions of any other laws not in conflict with the provisions hereof to the extent convenient or necessary to carry out any power or authority, express or implied, granted by this Act.

No proceedings, notice, or approval shall be required for the organization of the corporation or the issuance of any bonds or any instrument as security therefor, except as is herein provided, any other law to the contrary notwithstanding; provided that nothing herein shall be construed to deprive the state and its governmental subdivisions of their respective police powers over any properties of the corporation or to impair any police power thereover of any official or agency of the state and its governmental subdivisions as may be otherwise provided by law.

Nothing in this Act shall be construed to violate any provision of the federal or state constitution, and all acts done under this Act shall be in such manner as will conform thereto, whether expressly provided or not. Where any procedure hereunder may be held by any court to be violative of either of such constitutions, the corporation shall have the power by resolution to provide an

alternative procedure conformable with such constitutions. If any provisions of this Act should be invalid, such fact shall not affect the validity of any other provisions of this Act, and the legislature hereby declares that it would have enacted the valid provisions of this Act notwithstanding the invalidity of any other provision or provisions hereof.

SECTION 38. The fact that there is urgent need to provide the authority for cities, counties, and conservation and reclamation districts to promote and encourage employment and public health for the benefit of the public welfare through industrial development and medical development creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read.

Senator Howard offered the following amendment to the pending amendment:

Amend Amendment No. 1 to Senate Bill 1275 by adding the following new subsection D. to Section 24:

“D. No corporation shall sell or offer for sale any bonds or other securities until a permit authorizing the corporation to offer and sell such securities has been granted by the Securities Commissioner under the registration provisions of The Securities Act, Chapter 269, Acts of the 55th Legislature, 1957 (Article 581, Vernon’s Texas Civil Statutes), as amended, except as the State Securities Board may exempt from registration by rule, regulation or order. Appeal from any adverse decision of the Securities Commissioner or the State Securities Board shall be as provided by the Administrative Procedure and Texas Register Act, Chapter 61, Acts of the 64th Legislature, 1975 (Article 6252-13a, Vernon’s Texas Civil Statutes), as amended. The substantial evidence rule shall apply in all such appeals.”

The amendment to the pending amendment was read and was adopted.

The pending amendment as amended was then adopted.

On motion of Senator Howard and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

RECORD OF VOTES

Senators Braecklein, Doggett and Mauzy asked to be recorded as voting “Nay” on the passage of the bill to engrossment.

SENATE BILL 1275 ON THIRD READING

Senator Howard moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 1275** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 4.

Yeas: Andujar, Blake, Brooks, Clower, Farabee, Harris, Howard, Jones of Harris, Kothmann, Longoria, Meier, Mengden, Moore, Ogg, Parker, Patman, Price, Santiesteban, Schwartz, Short, Snelson, Traeger, Truan, Williams.

Nays: Braecklein, Doggett, Mauzy, Vale.

Absent: Creighton, Jones of Taylor, McKnight.

The bill was read third time and was passed by the following vote: Yeas 24, Nays 4. (Same as previous roll call)

CONFERENCE COMMITTEE REPORT SENATE BILL 491

Senator Parker submitted the following Conference Committee Report:

Austin, Texas
May 14, 1979

Honorable William P. Hobby
President of the Senate

Honorable Bill Clayton
Speaker of the House of Representatives

Sir:

We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on SB 491 have met and had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

PARKER
SHORT
WILLIAMS
BROOKS
On the part of the Senate

CLARK
COLLAZO
CRAWFORD
On the part of the House

A BILL TO BE ENTITLED AN ACT

AN ACT

relating to hunting in Sea Rim State Park.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter D, Chapter 62, Parks and Wildlife Code, is amended by adding Section 62.0631 to read as follows:

Sec. 62.0631. SEA RIM STATE PARK. (a) The commission may provide, as sound biological management practices allow, an open season for recreational hunting in Sea Rim State Park.

(b) Unless the wildlife resources of Sea Rim State Park are causing damage to the ecological environment of the park, the regulations of the commission

under this section may not provide for a longer season, a greater seasonal or daily bag limit, or a less restrictive means or method of taking wildlife for any wildlife resource than are provided in the regulations of the commission under the Uniform Wildlife Regulatory Act (Chapter 61 or under Subchapter C, Chapter 64, of this code) for the same year applicable to the remainder of Jefferson County.

(c) The limitations provided in Subsection (a) of Section 62.062 of this code do not apply to the regulations of the commission under this section.

SECTION 2. Section 62.062, Parks and Wildlife Code, is amended to read as follows:

Sec. 62.062. SEASON. (a) As sound biological management practices warrant, the commission may prescribe an open season for hunting in state parks, forts, or sites where size, location, and other physical conditions permit hunting.

(b) The open season may be only during the period beginning on the first day of November in one year and extending through the last day of February of the following year. However, no open season is authorized for the hunting of deer in any state park, the purposes and uses for which are primarily recreational.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The Conference Committee Report was read and was filed with the Secretary of the Senate.

SENATE BILL 1043 ON SECOND READING

Senator Ogg asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

S.B. 1043, Relating to the prohibition of possession of burning tobacco products or smoking tobacco in certain public places.

There was objection.

Senator Ogg then moved to suspend the regular order of business and take up **S.B. 1043** for consideration at this time.

The motion prevailed by the following vote: Yeas 19, Nays 5.

Yeas: Andujar, Blake, Braecklein, Brooks, Clower, Doggett, Farabee, Harris, Jones of Harris, Longoria, Meier, Mengden, Ogg, Patman, Price, Santiesteban, Snelson, Truan, Williams.

Nays: Kothmann, Mauzy, Short, Traeger, Vale.

Absent: Creighton, Howard, Jones of Taylor, McKnight, Moore, Parker, Schwartz.

The bill was read second time.

Senator Ogg offered the following committee amendment to the bill:

Amend SB 1043 by striking paragraph (a) in Section 1 of the bill on page 1 and substitute in lieu thereof the following:

“(a) A person commits an offense if he is in possession of burning tobacco product or smokes tobacco in a facility of a public primary or secondary school or an elevator, enclosed theater or movie house, library, museum, hospital, transit system bus, or intrastate bus, as defined by Section 4(b) of the Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon’s Texas Civil Statutes), plane or train which is a public place or a grocery store or within any area of an enclosed retail establishment where durable goods are sold, provided the principal business of the retail establishment is the sale of such goods.”

The committee amendment was read.

Senator Ogg offered the following substitute for the committee amendment:

Amend SB 1043 by striking paragraph (a) in Section 1 of the bill on page 1 and substitute in lieu thereof the following:

“(a) A person commits an offense if he is in possession of burning tobacco product or smokes tobacco in a facility of a public primary or secondary school or an elevator, enclosed theater or movie house, library, museum, hospital, transit system bus, or intrastate bus, as defined by Section 4(b) of the Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon’s Texas Civil Statutes), plane or train which is a public place or within any area of an enclosed retail establishment where durable goods are sold, provided the principal business of the retail establishment is the sale of such goods.”

The substitute for the committee amendment was read and was adopted.

The committee amendment as substituted was then adopted.

On motion of Senator Ogg and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

RECORD OF VOTES

Senators Mauzy and Traeger asked to be recorded as voting “Nay” on the passage of the bill to engrossment.

SENATE BILL 1043 ON THIRD READING

Senator Ogg moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 1043** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 20, Nays 4.

Yeas: Andujar, Blake, Braecklein, Brooks, Clower, Doggett, Farabee, Harris, Howard, Jones of Harris, Longoria, Meier, Mengden, Ogg, Patman, Price, Santiesteban, Short, Truan, Williams.

Nays: Kothmann, Mauzy, Traeger, Vale.

Absent: Creighton, Jones of Taylor, McKnight, Moore, Parker, Schwartz, Snelson.

The bill was read third time and was passed.

RECORD OF VOTES

Senators Mauzy and Traeger asked to be recorded as voting "Nay" on the final passage of the bill.

SENATE BILL 1044 ON SECOND READING

Senator Ogg moved to suspend the regular order of business to take up for consideration at this time:

S.B. 1044, Relating to the places in which the possession of burning tobacco products or the smoking of tobacco is prohibited and relating to the notice required to be displayed in such places.

The motion prevailed by the following vote: Yeas 22, Nays 4.

Yeas: Andujar, Blake, Braecklein, Brooks, Clower, Doggett, Farabee, Harris, Howard, Jones of Harris, Longoria, Meier, Mengden, Ogg, Parker, Patman, Price, Santiesteban, Snelson, Truan, Vale, Williams.

Nays: Kothmann, Mauzy, Short, Traeger.

Absent: Creighton, Jones of Taylor, McKnight, Moore, Schwartz.

The bill was read second time and was passed to engrossment.

SENATE BILL 1044 ON THIRD READING

Senator Ogg moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 1044** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 22, Nays 4.

Yeas: Andujar, Blake, Braecklein, Brooks, Clower, Doggett, Farabee, Harris, Howard, Jones of Harris, Longoria, Meier, Mengden, Ogg, Parker, Patman, Price, Santiesteban, Snelson, Truan, Vale, Williams.

Nays: Kothmann, Mauzy, Short, Traeger.

Absent: Creighton, Jones of Taylor, McKnight, Moore, Schwartz.

The bill was read third time.

Senator Ogg offered the following committee amendment to the bill:

Amend SB 1044 by striking paragraph (a) in Section 1 of the bill on page 1 and substitute in lieu thereof the following:

“(a) A person commits an offense if he is in possession of burning tobacco product or smokes tobacco in a facility of a public primary or secondary school or an elevator, enclosed theater or movie house, library, museum, hospital, transit system bus, or intrastate bus, as defined by Section 4(b) of the Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon’s Texas Civil Statutes), plane or train which is a public place or a grocery store or within any area of an enclosed retail establishment where durable goods are sold, provided the principal business of the retail establishment is the sale of such goods.”

The committee amendment was read.

Senator Ogg offered the following substitute for the committee amendment:

Amend SB 1044 by striking paragraph (a) in Section 1 of the bill on page 1 and substitute in lieu thereof the following:

“(a) A person commits an offense if he is in possession of burning tobacco product or smokes tobacco in a facility of a public primary or secondary school or an elevator, enclosed theater or movie house, library, museum, hospital, transit system bus, or intrastate bus, as defined by Section 4(b) of the Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon’s Texas Civil Statutes), plane or train which is a public place or within any area of an enclosed retail establishment where durable goods are sold, provided the principal business of the retail establishment is the sale of such goods.”

The substitute for the committee amendment was read and was adopted by unanimous consent.

The committee amendment as substituted was then adopted by unanimous consent.

On motion of Senator Ogg and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was then finally passed by the following vote: Yeas 22, Nays 4.

Yeas: Andujar, Blake, Braecklein, Brooks, Clower, Doggett, Farabee, Harris, Howard, Jones of Harris, Longoria, Meier, Mengden, Ogg, Parker, Patman, Price, Santiesteban, Snelson, Truan, Vale, Williams.

Nays: Kothmann, Mauzy, Short, Tracger.

Absent: Creighton, Jones of Taylor, McKnight, Moore, Schwartz.

MOTION TO PLACE SENATE BILL 1045 ON SECOND READING

Senator Ogg moved to suspend the regular order of business to take up for consideration at this time:

S.B. 1045, Relating to the prohibition of possession of burning tobacco products or smoking tobacco in certain public places.

On motion of Senator Ogg and by unanimous consent, the motion to suspend the regular order was withdrawn.

**COMMITTEE SUBSTITUTE SENATE JOINT RESOLUTION 8
ON SECOND READING**

On motion of Senator Mengden and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.J.R. 8, Proposing a constitutional amendment to authorize the governor to remove appointed officers with the advice and consent of the Senate; and allowing the governor to call a special session of the Senate for this purpose.

The resolution was read second time.

Senator Mengden offered the following amendment to the resolution:

Amend C.S.S.J.R. No. 8 by striking all below the resolving clause and substituting the following:

SECTION 1. That Article XV of the Texas Constitution be amended by adding Section 9 to read as follows:

Sec. 9. (a) In addition to the other procedures provided by law for removal of public officers, the governor who appoints an officer may remove the officer with the advice and consent of two-thirds of the members of the senate present.

(b) If the legislature is not in session when the governor desires to remove an officer, the governor shall call a special session of the senate for consideration of the proposed removal. The session may not exceed two days in duration.

SECTION 2. This proposed constitutional amendment shall be submitted to the voters at an election to be held on November 4, 1980. The ballot shall be printed to provide for voting for or against the proposition: "The constitutional amendment to authorize the governor to remove appointed officers with the advice and consent of the senate."

The amendment was read and was adopted.

On motion of Senator Mengden and by unanimous consent, the caption was amended to conform to the body of the resolution as amended.

The resolution as amended was passed to engrossment.

**COMMITTEE SUBSTITUTE SENATE JOINT RESOLUTION 8 ON
THIRD READING**

Senator Mengden moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.J.R. 8** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 1.

Yeas: Andujar, Blake, Braecklein, Brooks, Clower, Doggett, Farabee, Harris, Howard, Jones of Harris, Kothmann, Longoria, Mauzy, Meier, Mengden, Ogg, Parker, Santiesteban, Schwartz, Short, Traeger, Truan, Vale, Williams.

Nays: Patman.

Absent: Creighton, Jones of Taylor, McKnight, Moore, Price, Snelson.

The resolution was read third time and was passed by the following vote:
Yeas 24, Nays 1. (Same as previous roll call)

**COMMITTEE SUBSTITUTE SENATE BILL 1108
ON SECOND READING**

On motion of Senator Schwartz and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1108, Relating to the transfer of causes pending in the Courts of Civil Appeals; and amending Article 1738, Vernon's Civil Statutes, as amended.

The bill was read second time and was passed to engrossment.

**COMMITTEE SUBSTITUTE SENATE BILL 1108
ON THIRD READING**

Senator Schwartz moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 1108** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 0.

Absent: Creighton, Farabee, Jones of Taylor, McKnight, Moore, Price, Snelson.

The bill was read third time and was passed by the following vote: Yeas 24, Nays 0. (Same as previous roll call)

MESSAGE FROM THE HOUSE

House Chamber
May 14, 1979

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I AM DIRECTED BY THE HOUSE TO INFORM THE SENATE THAT THE HOUSE HAS PASSED THE FOLLOWING:

HB 15, A bill to be entitled An Act relating to contracts covered by the Texas General Arbitration Act.

HB 1725, A bill to be entitled An Act relating to the board composition and exemption provisions in the law regulating private investigators and private security agencies.

HB 2239, A bill to be entitled An Act amending Article 7064, Revised Civil Statutes, as amended, concerning the taxation of the gross premium receipts of certain companies transacting the business of insurance in this state other than the business of life, accident, and health insurance.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

SENATE RESOLUTION ON FIRST READING

On motion of Senator Longoria and by unanimous consent, the following resolution was introduced, read first time and referred to the Committee indicated:

S.R. 565 by Longoria, Traeger Natural Resources
Establishing a special interim committee to study gasohol as an alternative fuel source and examine issues regarding its production in Texas.

HOUSE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions received from the House were read the first time and referred to the Committee indicated:

H.J.R. 108, To Committee on State Affairs.
H.B. 1456, To Committee on State Affairs.
H.B. 1890, To Committee on Natural Resources.
H.B. 594, To Committee on State Affairs.
H.B. 681, To Committee on State Affairs.
H.B. 1382, To Committee on State Affairs.
H.B. 758, To Committee on State Affairs.
H.B. 1812, To Committee on Human Resources.
H.B. 1956, To Committee on Economic Development.
H.B. 2091, To Committee on Jurisprudence.
H.B. 1699, To Committee on Natural Resources.
H.B. 2206, To Committee on State Affairs.
H.B. 2135, To Committee on Education.
H.B. 1714, To Committee on Human Resources.
H.C.R. 82, To Committee on Administration.
H.C.R. 102, To Committee on Human Resources.
H.C.R. 103, to Committee on Human Resources.
H.C.R. 138, To Committee on Administration.
H.C.R. 139, To Committee on Administration.
H.C.R. 140, To Committee on Administration.
H.C.R. 141, To Committee on Administration.
H.C.R. 142, To Committee on Administration.
H.C.R. 143, To Committee on Administration.
H.C.R. 144, To Committee on Administration.
H.C.R. 145, To Committee on Administration.
H.C.R. 153, To Committee on Human Resources.
H.C.R. 170, To Committee on Administration.
H.C.R. 174, To Committee on Administration.

MEMORIAL RESOLUTION

H.C.R. 199 - (Brooks): Memorial resolution for Gordon C. Horton.

WELCOME AND CONGRATULATORY RESOLUTIONS

H.C.R. 160 - (Mauzy): Extending congratulations to The Honorable Dale Milford.

H.C.R. 165 - (Truan): Extending congratulations to The Honorable John Young.

H.C.R. 167 - (Brooks): Extending congratulations to The Honorable Barbara Jordan.

H.C.R. 194 - (Brooks): Extending congratulations to The Honorable George (Mickey) Leland.

H.C.R. 196 - (Snelson): Extending congratulations to Mrs. Janey Briscoe.

H.C.R. 197 - (Snelson): Extending congratulations to The Honorable Jim Nugent.

S.R. 558 - By Doggett: Extending welcome to Reverend Zane Bartel.

S.R. 559 - By Schwartz: Extending welcome to Jim and Gloria Yarbrough.

S.R. 560 - By Schwartz: Extending congratulations to Rankin L. DeWalt.

S.R. 561 - By Ogg: Extending congratulations to Herman Walter Krakower.

S.R. 562 - By Snelson: Extending congratulations to C. B. (Bud) Wheeler.

S.R. 563 - By Snelson: Extending congratulations to the Central Christian Church of Sabinal, Texas, on its 100th anniversary.

ADJOURNMENT

On motion of Senator Moore the Senate at 5:04 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

APPENDIX

Sent to Governor

(May 14, 1979)

S.B. 404

S.B. 543

S.B. 581

Sent to Secretary of State

(May 14, 1979)

S.J.R. 13